New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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 SPARTA

Local Law No. 1 **of the year 20** 25

A local law TOWN OF SPARTA SOLAR LAW
(Insert Title)

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of SPARTA **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF SPARTA LOCAL SOLAR LAW

Article I. Statement of Purpose.

This Solar Energy Law is adopted to permit the construction of certain Solar Energy Systems in the Town of Sparta in a manner that advances and protects the public health, safety and welfare of the Town of Sparta while facilitating the production of renewable energy. In so doing, this section seeks to:

1. Take advantage of a safe, abundant, renewable and non-polluting energy resource.

2. Preserve and protect the natural resources and Prime Farmland/Farmland of Statewide Importance within the Town of Sparta in accordance with the Town's Comprehensive Plan. The Comprehensive Plan Vision Statement demonstrates that our town's vision for the future is that of "a community that has preserved its open spaces, woodlands, scenic vistas and skylines." The Town of Sparta is acting aggressively to preserve farmland and open land because those values represent our identity.

3. Permit solar installations as hereinafter defined throughout the town for the production of renewable energy to be used principally on-site, subject to reasonable conditions to mitigate potential impacts to adjoining properties and preserve neighborhood aesthetics

Article II. Findings of Town Board.

The Town Board of the Town of Sparta makes the following findings:

1. The Town Board recognizes the desirability of promulgating regulations as to the siting and construction of Solar Energy Systems in other applications.

2. The Town Board of the Town of Sparta has not prohibited the erection or creation of small-scale Solar Energy Systems intended to primarily benefit the property on which the Solar Energy System is located. To date, existing Solar Energy Systems in the Town of Sparta have been built and used in residential applications.

3. The Town Board of the Town of Sparta recognizes that solar energy is a clean, readily available and renewable energy source. At this time, the Town of Sparta intends to accommodate the use of Solar Energy Systems in the context of residential and agricultural applications, as well as single-user commercial applications in which the Solar Energy System provides energy for the commercial property, but is not intended to create sufficient excess solar energy to make its resale as a marketable commodity the purpose of the Solar Energy System, but rather an incidental or subordinate product thereof.

4. The Town Board acknowledges and finds a growing need to properly site Solar Energy Systems within the boundaries of the Town of Sparta so as to protect the large abundance of Prime Farmland/Farmland of Statewide Importance within the Town, residential properties, business areas and other land uses, to preserve the overall beauty, nature and character of the

Town of Sparta, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Sparta.

5. The Town Board finds that the promulgation of this Section is necessary to direct the location and construction of Solar Energy Systems.

6. Solar Energy Systems need to be regulated for removal when no longer utilized.

Article III. Definitions for Solar Energy.

The following definitions shall apply to this Section:

APPLICANT/OWNER/LANDOWNER/OPERATOR/SUCCESSSOR: The person or entity filing an application and seeking approval under this Section and/or operating or assuming ownership or responsibility for Solar Energy Systems, including but not limited to the owners of the real property upon which the Solar Energy System is to be located.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: 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.

BUILDING-MOUNTING SOLAR ENERGY SYSTEM: Any Solar Energy System that is 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. Said system is designed and intended to generate electricity solely for use on said lot, potentially for multiple tenants, through a distribution system that is not available to the general public.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops as determined by the appropriate state agency or agencies.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort or loss in visual performance and visibility in material aspects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: Any Solar Energy System that is affixed directly or indirectly to the ground or land surface, rather than attached to the wall or roof of a structure. Said system is designed and intended to generate electricity solely for use on said lot, or multiple lots owned by the same person, entity, farm or business, potentially for multiple tenants, through a distribution system that is not available to the general public and that may be operated and maintained by a third party by lease agreement or through a power purchase agreement, but in no event producing power in excess of 110% of the electricity consumed on the site(s).

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption. A Large-Scale Solar Energy System is not authorized or permitted and is totally prohibited by this local law.

LOCAL LAW, ETC.: Any reference herein to a law, local law, code, rule or regulation shall mean said law, local law, code, rule or regulation currently in effect as it may be amended or replaced at any future time by the defining entity.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM: Any Solar Energy System that is affixed to the roof of a building and wholly contained within the limits of the roof surface. Said system is designed and intended to generate electricity solely for use on the lot (upon which the structure containing the Solar Energy System is located), potentially for multiple tenants, through a distribution system that is not available to the general public.

SAFTEY DATA SHEET: A document containing information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the uses of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows:

1. Tier 1 Solar Energy Systems include Roof and/or Building-Mounted Solar Energy Systems that generate no more than 110% of the electricity consumed on the site or more than one site or piece of property within the jurisdictional limits of the Town of Sparta owned by the same person, entity, farm or business, over the previous 12 months. Tier 1 Solar Energy Systems shall not include Solar Energy Systems that are developed, operated, and maintained by a third party by lease agreement or through a power purchase agreement. In no event shall Tier 1 systems produce power in excess of the 110% maximum yield as referenced above, nor shall such systems generate greater than one (1) megawatt.

2. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems that generate no more than 110% of the electricity consumed on the site or more than one site or piece of property within the jurisdictional limits of the Town of Sparta owned by the same person, entity, farm or business, over the previous 12 months. Tier 2 Solar Energy Systems may include Solar Energy Systems that are developed, operated, and maintained by a third party by lease agreement or through a power purchase agreement, but in no event shall such systems produce power in excess of the 110% maximum yield as referenced above, nor shall such system generate greater than one (1) megawatts.

3. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems or are systems that generate greater than one (1) megawatt.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

TILT: The vertical angle, where a 0° minimum tilt means the panel is lying flat, and a 90° maximum tilt means the panel is vertical.

Article IV. Applicability.

The placement, construction and major modification of all Tier 1 and Tier 2 Solar Energy Systems within the boundaries of the Town of Sparta shall be permitted only as follows:

1. A Special Use permit granted by the Planning Board and issued by the Town of Sparta Code Enforcement Officer shall be required for installation of any Solar Energy System.

2. All Solar Energy Systems existing on the effective date of this local law shall be allowed to continue in usage as such presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. All new construction as well as all changes, modifications and/or additions to current solar energy systems, other than routine maintenance, shall comply with the requirements of this Local Law, and shall require a Special Use permit before construction begins.

3. No Solar Energy System shall hereafter be erected, moved, reconstructed, changed or altered except in conformity with these regulations.

4. All new Solar Energy Systems and all additions and modifications to any pre-existing systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Uniform Code"), the NYS Energy Conservation Code ("Energy Code"), Documented compliance with OSHA 29 CFR 1910.296 App C. and all the Local Laws of this town.

5. Any applications pending for Solar Energy Systems on the effective date of this local law shall be subject to the provisions of this law. Furthermore, a copy of the submitted New York State

Standardized Interconnection requirements and application process for new distributed generators and energy storage systems 5 MW or less connected in parallel with the utility distribution systems. Connection to a utility transmission system is prohibited.

6. To the extent this Section is inconsistent with any other law, local law, rule, regulation, or code, the more stringent requirements shall apply.

Article V. Use Districts Where Allowed.

Subject to the provisions of this Section, certain Solar Energy Systems shall be allowed as follows:

1. Tier 1 Solar Energy Systems are allowed in all zoning districts in the Town, subject to the conditions set forth herein.

2. Tier 2 Solar Energy Systems are permitted as accessory structures in the Town, subject to the conditions set forth herein.

3. Tier 3 Solar Energy Systems are prohibited throughout the Town.

Article VI. Permitting Requirements for Solar Energy Systems.

1. All Tiers shall be subject to the following requirements.

    a. Glare. All Solar Panels shall have anti-reflective coating(s).

    b. Solar storage batteries. When solar storage batteries are included as part of any Solar Energy System, they shall be placed in secure containers or enclosures meeting the requirements of the New York State Building Code. Electrical storage devices will be permitted under this law so long as they are storing energy that is generated onsite and is consumed onsite, and comply with all provisions of this local law,.

    c. All Solar Energy Systems shall adhere to all applicable federal, state, county and Town of Sparta codes, laws, regulations and building, plumbing electrical and fire codes.

    d. All Solar Energy Systems shall be situated in a location which shall be readily accessible for all emergency service vehicles and personnel.

    e. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color.

    f. The design, construction, operation and maintenance of any Solar Energy System shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks, airports and landing strips in excess of that which already exists and shall otherwise not have any significant impact on said areas.

g. The development and operation of a Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town of Sparta or other federal or state regulatory agencies.

h. Artificial lighting of any Solar Energy Systems shall be limited to lighting required for safety and operational purposes only and shall be dark sky compliant and shielded from all neighboring properties and public roads so as to prevent the illumination of adjoining properties or excessive lighting.

i. If the use of an approved Solar Energy System is discontinued for any reason other than temporary repair, the owner or operator shall notify the Building Inspector within thirty (30) days of such discontinuance. If a Solar Energy System is to be retained and reused, the owner or operator shall also inform the Building Inspector of this in writing at the same time. Any such reuse shall require a new permit, and also site plan review where applicable. If such new permit is not obtained in one (1) year, the system shall be deemed abandoned.

j. For all Solar Energy Systems Landowner Leases, if any, shall be submitted to ensure compatibility with the Decommissioning Plan and other town requirements.

2. Tier 1 Solar Energy Systems shall be exempt from site plan review under this local law, but shall be subject to the following requirements in addition to those set forth in Article VI(1):

   a. Roof-Mounted Solar Energy Systems may be attached to any lawfully permitted building or structure and shall incorporate the following design requirements:

      i. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions as set forth in the Zoning law and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

      ii. ii, Solar panels on pitched roofs shall be mounted with a maximum distance of 12 inches between the roof surface and the highest edge of the system.

      iii. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.

   b. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for any building containing such system.

   c. Building-Mounted Solar Energy Systems shall not be located or extend more than seven (7) feet from the building wall, and in no instance shall any part of the system extend beyond the roof line or parapet wall.

3. Tier 2 Solar Energy Systems. Site plan approval pursuant to the procedure set forth in this local law is required for Tier 2 Solar Energy Systems to be built or modified for the production of

electricity principally for on-site use for residential, commercial or industrial business within the Town of Sparta. However, Tier 2 Solar Energy Systems for farm operations are exempt from site plan approval.

a. Tier 2 Solar Energy Systems, other than for farm operations, shall be subject to the following requirements in addition to those set forth in Article VI(1):

   i. Setbacks: Tier 2 Solar Energy Systems shall be subject to all setback regulations for an accessory structure as set forth in the Town's Zoning Local Law, except as set forth in subparagraph b directly below.

   ii. Location: Tier 2 Solar Energy Systems shall be located in the side or rear yard of a property. No placement in a front yard shall be permitted unless the location is a minimum distance of two hundred (200) feet from the road and entirely concealed from view from the road due to topography or landscape conditions that must be maintained for the duration of the installation of said system.

   iii. Height: Tier 2 Solar Energy Systems shall comply with the height limitations specified for accessory structures as set forth in the Zoning Local Law. The height of panels shall be measured at the highest point when oriented at maximum tilt.

   iv. Screening and Visibility: All such Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable. Evergreen tree plantings appropriate to the growth conditions of the region in question, are required to screen portions of the site from nearby residential property, public roads, and from public sites known to contain important views or vistas, such as gateway entrances to the Town. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

   v. Native plantings and pollinator plant species shall be seeded beneath installed solar panels.

   vi. No Tier 2 Solar Energy Systems, other than for agricultural operations, shall be located on prime farmland.

b. Tier 2 Solar Energy Systems which are a part of a farm operation as defined by Article 25 AA of the New York State Agriculture and Markets Law shall not be subject to site plan review but shall be subject to the following requirements:

   i. Setbacks: Such Tier 2 Solar Energy Systems must be sited to create a setback regulation for an accessory structure as required by the Zoning Law.

      a. A setback of no less than 492 feet from public roadways and setbacks of 492 feet from all sides of the property lines of a different owner. In addition, no Tier

2 Solar Energy System shall be located closer than 492 feet from any residential structure located on another parcel, measured from the perimeter fence-line of the project or panels.

ii. Height: Such Tier 2 Solar Energy Systems shall comply with the height limitations specified for accessory structures as set forth in the Zoning Law.

c. Escrow Agreement. At its sole discretion, the Sparta Town Board may refer an application for a Tier 2 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required community benefit agreement. Such consultants may include a Professional Engineer, attorney, planning consultant or other specialists. The Town may require the Applicant to enter into an Escrow Agreement, negotiated in good faith with the Town, to provide funds for the payment of all legal and engineering fees payable from the Town for services pertaining to the review of all documents related to the solar energy project application. Said escrow agreement shall be effective from the original date of application, and in any event, executed prior to the Town beginning review on any application.

Article VII. Tier 3 Requirements if This Law is Superseded.

Although this law totally prohibits Tier 3 Solar Energy Systems in the Town of Sparta, if this prohibition is superseded by Article 8 of the Public Service Law or any other Federal or State Law, Rule or Regulation, the following factors will be considered in determining whether any Tier 3 Solar Energy System shall be allowed.

1. Tier 3 Solar Energy Systems applications or submissions shall include the following information for Site Plan Review with the Town Planning Board:

   a. Completed Town of Sparta Solar Application form including the name, address, phone number and signature of the project applicant, as well as all the property owner(s), demonstrating their consent to the application and the use of the property for the solar energy system.as well as the name, address, and contact information of proposed or potential system installer and the owner and/or operator of the solar energy system. Such information of the final system installer shall be submitted prior to the issuance of the building permit.

   b. Completed Full Environmental Assessment form

   c. Narrative description of the proposed project, including identification of all approval sought, existing site conditions and adjacent land uses and owners

   d. If the property of the proposed project is to be leased, proof of legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements. Submission of landowner lease to determine consistency with the Decommissioning Plan and other Town requirements.

e. Plans and drawings for the Tier 3 Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible storm water or erosion disturbances, snow and ice melt, fire suppression runoff containment trenches, and utility lines (both above and below ground) on the site and adjacent to the site. Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing buildings or structures and uses on any parcel within 500 feet of the outer perimeter of the Solar Energy System. Required Plans and Drawings shall include, at a minimum, the following:

i. A three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National electrical Code (NEC) compliant disconnects and over current devices.

ii. Visual Impact Analysis (VIA), which shall, at a minimum, include:

(a) A line-of-sight profile analysis.

(b) Photographic simulations of the facility area showing visual conditions with proposed landscaping and screening at the following intervals:

(i) At installation;

(ii) At the two-year anniversary after installation;

(iii) At the five-year anniversary after installation.

(iv) At the ten-year anniversary after installation.

iii. Written and visual record of original site condition, which at a minimum, shall include:

(a) Completed Soil Analysis. The soil analysis shall include, but is not limited to, the following:

(i) **Nutrient Content:** The soil shall be tested for key nutrients essential for soil health, including but not limited to nitrogen (N), phosphorus (P), potassium (K), calcium (Ca), magnesium (Mg), and sulfur (S).

(ii) **pH Level:** The pH level will be tested at inception to establish a baseline, ensuring that any variations in PH resulting from the installation process are identified and addressed.

(iii) **Heavy Metal Testing:** The soil must be tested for the presence of heavy metals, including but not limited to: - Mercury (Hg) - Lead (Pb) - Aluminum (Al), Iron (Fe), Chromium (Cr), and Cadmium (Cd).

iv. Vegetative Management Plan, including prioritization of native, non invasive, pollinator species and minimizes the use of pesticides to the greatest extent. Seed mix, seeding dates and establishment methods provided.

v. Screening and Landscape plan.

vi. Lighting Plan

vii. Fencing Plan.

viii. Utility Plan.

ix. A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Solar Energy System and property upkeep, such as mowing and trimming.

x. Clearing, grading, storm water, snow removal, fire suppression runoff, and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan in compliance with the New York State Department of Environmental Conservation Standards to the Town of Sparta Engineer for its review and approval which shall demonstrate that post-development runoff, storm drainage and erosion will not be negatively impacted by placement of the Tier 3 Solar Energy System on the site.

xi. Traffic Impact Assessment. Such assessment shall include, but not be limited to:

(a) The impact on traffic levels and potential road damage or degradation due to heavy vehicle traffic related to the proposed solar energy system with a focus on the construction and decommissioning phases

(b) Information about truck trip data, planned hauling routes, and the size/location of staging and parking areas.

(c) An identification of any state or local approvals or permits necessary for the implementation of the proposed solar energy system, shall provide any necessary Road Use Agreements, and shall demonstrate compliance with the same.

xii. A fire protection and emergency response plan, created in consultation with and approved by the local and/or Town contracted fire department and the County Office of Emergency Management.

xiii. Decommissioning Plan. A Decommissioning Plan shall be provided in accordance with the Decommissioning requirements set forth in Article XI herein.

xiv. Site Restoration Plan as part of the Decommissioning Plan shall be proved in accordance with the Decommissioning requirements set forth in Article XI herein.

f. Equipment specification, Safety Data Sheets, Material Safety Data Sheets, and specification data sheets must be provided for all Solar Panels, significant components, fire suppression systems, alarm systems, monitoring systems, mounting systems, battery systems and inverters that are to be installed.

g. Road Use Agreement. Prior to issuance of or as a condition of any required permits for a Tier 3 Solar Energy System, the Applicant and its general contractor shall enter into a written Road Use Agreement benefitting the Town and in a format acceptable to the Town at its sole discretion. Such Road Use Agreement will require Applicant and its General Contractor to indemnify and hold the Town harmless from any and all damage to the roadways within the Town that may result from the development of Applicant's Tier 3 Solar Energy System. As a part of such Road Use Agreement, Applicant shall provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Sparta at its sole discretion), benefitting the Town, that shall ensure the indemnification and hold harmless provisions stated above.

i. In the event that any damage is done to any Town road as a result of the development of an Applicant's Tier 3 Solar Energy System, said Applicant and/or its General Contractor shall be responsible to perform repairs to such road that are acceptable to the Town Highway Superintendent in his/her reasonable discretion.

ii. Such repairs shall be completed within sixty (60) days of when written notice of a demand to repair was personally served or sent via certified mail to Applicant or its General Contractor. Should Applicant or its General Contractor fail to effectuate such repairs within sixty (60) days, or within a different timeline at the discretion of the Highway Superintendent, the Town shall be permitted to execute on the irrevocable financial security bond (or other form of surety) with written notice to Applicant or its General Contractor.

iii. The provisions of the Road Use Agreement required hereby and the requisite financial security bond (or other form of surety) shall remain in full force and effect for no less than one year after all construction has been completed and the project has been certified as complete by a professional engineer.

iv. No building permit may be issued for any approved Tier 3 Solar Energy System until such time as a Road Use Agreement has been executed by all parties.

h. Any such additional information as may be required by the Town, including the Town's Professional Engineer or consultant, Town Attorney or Code Enforcement Officer.

i. If a Tier 3 Solar Energy System is proposed to be developed on land that is or could be in agricultural production, Applicant shall demonstrate how the proposed development complies with the then current guidelines as may be established by the New York State Department of Agriculture and Markets relating to Solar Energy Projects Construction Mitigation for Agricultural Lands.

2. Other Requirements for Tier 3 Systems:

   a. Height. The system shall have a height restriction of no more than 20 feet above ground level. Panels shall be measured at the highest point when oriented at maximum tilt.

   b. Setbacks. Tier 3 Solar Energy Systems must be sited to create a front setback of no less than 492 feet from public roadways and setbacks of 492 feet from all side and rear property lines. In addition, no Tier 3 Solar Energy System shall be located closer than 492 feet from any residential structure located on another parcel, measured from the perimeter fence-line of the project or panels.

   c. Lot/Parcel Size. Tier 3 Solar Energy Systems shall only be located on parcels with a minimum lot size of 25 acres.

   d. Lot/Parcel Coverage.

      i. Tier 3 Solar Energy Systems can only cover up to 80% of any lot or parcel, excluding in said calculation any Prime Farmland acreage thereon.

      ii. No Tier 3 Solar Energy System shall be located on any Prime Farmland. It is the intent of this restriction to protect the valuable resource and benefits of Prime Farmland.

      iii. The coverage area shall be determined by the area covered by the perimeter of the Solar Energy System at minimum tilt.

   e. Number of Tier 3 Solar Energy Systems Allowed Per Lot.

      i. Only one Tier 3 Solar Energy System shall be allowed per lot or parcel, regardless of lot size.

   f. Fencing and Screening. All Tier 3 Solar Energy Systems must be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed and maintained on the entrance and perimeter of the fencing. The fencing and the system may be required to be further screened by landscaping to avoid adverse aesthetic impacts. Enhanced screening and buffering for Tier 3 Solar Energy Systems that are placed adjacent to residentially zoned areas, residential lots or abut a public road shall be required. Evergreen tree plantings appropriate to the growth conditions of the region in question, are required to screen portions of the site from

nearby residential property, public roads, and from public sites which are known to contain important views or vistas such as gateway entrances to the Town.

g. Recent Changes of Lot/Parcel. In order to prevent circumvention of the size and coverage restrictions set forth above, when considering such restrictions the determining board shall consider the lot or parcel to be the smallest configuration of the physical area where the Tier 3 Solar Energy System is being proposed that has existed as a separate lot or parcel (with its own Tax Identifier Map Parcel Number) in the official tax records of the Town of Sparta within the five (5) years immediately preceding the application seeking approval for such Tier 3 Solar Energy System. This provision is specifically intended to prevent any owner of land from combining or subdividing multiple parcels of land in order to permit siting of larger Tier 3 Solar Energy Systems than would have been otherwise unallowable pursuant to these regulations.

h. Vegetation and Habitat. Tier 3 Solar Energy System owners/developers shall develop, implement and maintain native vegetation to the extent practicable pursuant to the required vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, owners/developers shall use native plant species and seed mixes.

i. Any Tier 3 Solar Energy System shall be fully accessible on 14-foot-wide roads, with hammerheads, for all emergency service vehicles and personnel. All roads in the solar system field of operation must meet or exceed NYS DOT Standards specification documentation dated January 1, 2019.

j. After completion of a Tier 3 Solar Energy System, the Applicant shall provide a post-construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.

k. Noise: Once in operation, sound pressure level at the exterior of any residence or non-participating property line, expressed in terms of dBA Leq-8hr, shall not exceed existing background ambient noise, expressed in dBA Leq-8hr as measured by a qualified acoustician, by more than 6dB.

l. Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval of powers related to the completion of a Tier 3 Solar Energy System.

m. The development and operation of a Tier 3 Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats or other significant habitats identified by the Town of Sparta or other federal or state regulatory agencies.

n. Community Benefit Agreement. The owners or developers and landowners of the property upon which a Tier 3 Solar Energy Systems is to be developed shall be required to enter into a community benefit agreement with the Town for payment by the owners, developers or landowners to the Town of an agreed upon monetary amount or provision of a specified public improvement or improvements that shall act to offset the potential negative impacts that may be associated with a Tier 3 Solar Energy System. No building permit may be issued for any approved Tier 3 Solar Energy System until such time as a community benefit agreement has been executed by all parties.

o. Escrow Agreement. At its sole discretion, the Sparta Town Board may refer an application for a Tier 3 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required community benefit agreement. Such consultants may include a Professional Engineer, attorney, planning consultant or other specialists. The Town may require the Applicant to enter into an Escrow Agreement, negotiated in good faith with the Town, to provide funds for the payment of all legal and engineering fees payable from the Town for services pertaining to the review of all documents related to the solar energy project application. Said escrow agreement shall be effective from the original date of application, and in any event, executed prior to the Town beginning review on any application.

p. Traffic Routes. Construction and delivery vehicles for Solar Energy Systems shall use traffic routes established as part of the application review process and in conformance with the Road Use Agreement.

Article VIII. Sketch Plan Meeting.

The applicant shall attend a pre-application sketch plan meeting with the Town Board and Planning Board prior to the submission of a formal site plan for a proposed solar energy system. The applicant must provide a conceptual site plan and any relevant supporting documents for review. During the meeting, the applicant will receive feedback on compliance with the Town of Sparta Solar Energy Law, zoning regulations, and environmental considerations, as well as guidance on the necessary components for the site plan application. The meeting is advisory, and no formal decisions will be made.

Article IX. Site Plan Review.

1. Application Fees.

   a. Site plan application for Ground-Mounted Solar Energy Systems. An applicant shall pay the standard site plan review fee as determined from time-to-time by the Town Board, by resolution. In addition, the applicant shall be responsible to pay, up front, for all engineering, legal and other professional expenses reasonably incurred by the Town throughout its review process. Failure to pay said fee and expenses shall suspend the site plan review process.

b. Fee for issuance of a Special Use permit. In addition to any site plan application fee, all applicants shall pay a Special Use permit fee as follows: Building-Mounted, Ground-Mounted or Rooftop-Mounted Solar Energy System: one-half (1/2) of one percent (1%) of the project cost, or such other amount as the Town Board may, from time to time, determine by resolution.

2. Prior to the issuance of a Special Use permit, the applicant shall document to the Town that all applicable federal, state, county and local permits have been obtained, and that all requirements set forth for Tier 2 and Tier 3 Solar Energy Systems in this Local Law have been met.

3. In the context of the requirement of site plan approval, the Town of Sparta Planning Board may: For Tier 2 and Tier 3 Solar Energy Systems where review is required by the Board pursuant to this Article, grant site plan approval, deny site plan approval, or grant site plan approval with written stated conditions. Denial of site plan approval shall be by written decision based upon substantial evidence considered by the Board. Upon issuance of a site plan approval, the applicant must obtain a Special Use permit from the Planning Board for the Ground-Mounted Solar Energy System before the construction of the project can be commenced.

4. The Planning Board, in issuing a Special Use permit, can condition its issuance on the applicant providing a bond in such amount and on such terms as the Planning Board requires for land reclamation at the end of the system's use.

5. Any changes or alterations during or after construction to a Ground-Mounted Solar Energy System cannot be done until amendment to any previously issued building permit and/or site plan (if required) has (have) first been obtained, subject to all requirements of this Code.

Article X. Maintenance Procedures and Fees.

1. Where site plan review is required, a Special Use permit must be obtained within six (6) months after approval from the Planning Board is received. Otherwise, a new site plan review approval must be first obtained.

2. Completion of Construction. Once a Special Use permit is obtained, completion of the project must occur within twelve (12) months, which time is of the essence. If such construction is timely and properly completed, the Code Enforcement Officer shall issue a Certificate of Compliance. No Solar Energy System may be activated or used until such certificate is issued. If the project is not completed and fully operational in said twelve (12) months, a certificate of compliance shall not be issued, the Special Use permit shall be deemed revoked, and before any more work can be done on the project, a new Special Use permit must be obtained after, where applicable, a new site plan review will be required.

3. Continued operation A Solar Energy System shall be maintained in good condition and in continuous operation at all times, subject to reasonable maintenance and repair outages. Further, the Code Enforcement Officer shall also have the right to request documentation from

the owner for a Solar Energy System regarding the system's usage at any time, which request must be complied with within seven (7) days. System usage is defined as the previous 4 weeks from the date of the request. The usage is the measurement point of the AC kWh and the current (amps) of the output of the inverters to the electrical utility handoff junction.

4. Inspections. Upon reasonable notice, the Town of Sparta Code Enforcement Officer (CEO) or his or her designee may enter a lot on which a Solar Energy System has been constructed for the purpose of compliance with all requirements or conditions. Twenty-four (24) hours advance notice by telephone to the owner/operator or designated contact person shall be deemed one method of reasonable notice. An email may be used as another form to an advance notice as email are time stamped. Any fee or expense associated with this inspection shall be borne entirely by the permit holder/applicant and/or owner and/or operator. Irrevocable consent to such inspection shall be deemed given by the applicant upon submission of the application for a permit and shall be contained in the written application for same, signed by all property owners and applicants.

5. General complaint process. During construction the Code Enforcement Officer will issue a stop work or operation order at any time for any violations of a site plan or permit, and such stop work or operation order must be complied with immediately.

6. Abandonment. Failure to keep each System in good condition and continuous operation shall be deemed an abandonment. The System shall be considered abandoned when it ceases to operate consistently for one year.

7. Determination of Abandonment or Inoperability. A determination of the abandonment or inoperability of a Solar Energy System shall be made by the Code Enforcement Officer, who shall provide the Solar Energy System owner, applicant, landowner and successors with written notice and an Order to Remedy by personal service or certified mail. The solar energy system shall be considered abandoned when it ceases to operate consistently for one (1) year.

Article XI. Decommissioning & Site Restoration.

Where a System has been discontinued or abandoned, or where the permit has been revoked, such system shall be dismantled, all remnants thereof removed from the property owner(s)'s land, and full remediation of the land to the pre-existing condition shall be fully completed. All such removal and remediation shall occur within six (6) months after such discontinuance, abandonment or revocation has occurred.

All such work shall be inspected for satisfactory compliance by the Town Code Enforcement Officer. The soil remediation required is that the land on and near where such systems are located be properly landscaped to the Code Enforcement Officer's satisfaction and planted to support vegetation and natural plant life indigenous to that area to the extent such existed prior to installation.

The requirement for said removal and remediation shall be the joint and severable obligation and liability of each and every applicant, landowner, operator, and successor of said system. If said

removal and remediation is not completed to the satisfaction of the Code Enforcement Officer in the time allowed, the Town may seek all remedies allowed by law and this Local Law. As one such remedy, the Town may, but does not have to, conduct the removal and remediation itself, and charge all costs and expenses to the aforesaid parties obligated to perform same, together with all legal fees and related costs to fully enforce and collect all such sums, along with all civil penalties set forth herein.

The following decommissioning requirements shall apply to all Tier 3 Solar Energy Systems.

1. Decommissioning Plan. The Applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

    a. Complete description with supporting documentation and photographs detailing the pre-existing condition of the land prior to the building of the System, which must be verified as correct by the Town Board of the Town of Sparta. Any land on which the System is to be built that has been deforested or otherwise modified in whole or in part within two (2) years prior to the application shall be treated as if it were in such condition before such modifications occurred.

    b. Narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all energy storage and energy system components, structures, equipment, security barriers, and transmission lines from the site;

    c. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

    d. The anticipated life of the system;

    e. The estimated decommissioning costs and how said estimate was determined;

    f. The method of ensuring that funds will be available for decommissioning and restoration;

    g. The method by which the decommissioning cost will be kept current.

    h. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the system, such as but not limited to structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

    i. A listing of any contingencies for removing an intact operational system from service, and for removing a system from service that has been damaged by a fire or other event.

j. The Decommissioning Plan shall run to the benefit of the Town of Sparta. It shall be signed and acknowledged by all applicants and all owners of the land on which the System(s) is (are) to be located, and be in such format as to allow it to be recorded in the Office of the Livingston County Clerk. Such plan shall, prior to commencement of construction, be recorded in said County Clerk's Office as an irrevocable deed restriction indexed against the property on which the System is to be constructed and located. All future owners of said property shall be obligated to comply with the Decommissioning Plan if the Applicant or then owner(s) of the System fails to do so.

2. End of Life Site Restoration Plan. The applicant shall submit a detailed End of Life Site Restoration Plan and Narrative which would discuss and illustrate the following:

   a. The removal of all equipment, fencing, concrete pads, solar panels, transformer/inverter equipment, security barriers and transmission lines from the site that will not be used by other approved uses on the site.

   b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

   c. Stabilization and/or re-vegetation of the site as necessary to minimize erosion.

   d. Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

   e. Restoration timeline. Anticipated duration of the solar farm and an estimated length of time required to completely restore the site in full compliance of the Town-approved development plans.

   f. Restoration plan set. The application shall include a pre-construction and post-restoration plan set illustrating the locations or all restoration boundaries and the type of restoration being proposed for each area of the site. The narrative should also include the proposed restoration plan (plantings, species, planting sizes at install, etc.). At minimum, the plan shall include plantings, with appropriate native plant species, to return the cleared areas of the solar farm to their original state.

3. Decommissioning Fund. The Applicant must provide an irrevocable financial security bond (or other form of irrevocable surety acceptable to the Town of Sparta) for the removal of the System with the Town of Sparta as the designated assignee/ beneficiary in an amount equal to 110% of the estimated removal cost as determined by an engineering and/or demolition firm acceptable to the Town of Sparta. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation and/or any other anticipated increase in costs of removal. Each year after a System has been constructed, and no later than ten (10) days prior to the anniversary date of the issuance of the building permit for such System, the then owner/permit holder for the System shall provide the Town of Sparta Supervisor with written proof satisfactory to the Town that the aforesaid financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased as required above. Failure to timely comply shall cause an immediate automatic suspension of all permits and operation of all such Systems located on said premises until

compliance satisfactory to the Town of Sparta is had. All costs relating in any way to determining the amount, acquiring, and maintaining said bond shall be borne jointly by the property owners and applicant/permit holders.

a. The initial decommissioning cost calculation and subsequent updates shall be completed and stamped by a third-party New York State Licensed Professional Engineer with applicable solar facility experience, agreeable to both the facility owner and the Town of Sparta. Such calculation shall also include a reasonable percentage allocated to possible soil remediation as a result of the install and/or operation of the Solar Energy System.

b. Beginning on the second anniversary of completion of construction, and every fifth year thereafter until decommissioning is completed, a qualified and independent third-party assessor or other consultant agreeable to both the facility owner and the Town will recalculate the projected cost of decommissioning over the next five-year period, and the applicant shall adjust the amount of the letter of credit to match 125% of the recalculated decommissioning cost. The expense of computing each recalculation shall be the responsibility of the owner/operator.

c. Change in Ownership: The obligation to maintain a decommissioning security letter of credit, bond or cash escrow benefitting the Town of Sparta is a continuing obligation that may not be transferred without written consent of the Town of Sparta, which consent shall not be unreasonably withheld.

d. In the event the applicant is in default of its obligations to decommission the facility under any applicable law or permit, and, after proper notice and expiration of any cure periods, the cash deposit, bond, letter of credit or security shall be forfeited to the Town of Sparta, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

Article XII. Repeal.

This Local Law hereby repeals Section 709(d) of Local Law No. 1 of 2020, entitled "A Local Law Amending Local Law No. 2-1990, Zoning Code." Furthermore, this Local Law shall hereby supersede and replace any other previous Local Law regulating Solar Energy Systems.

Article XIII. Effective Date.

This Local Law shall take effect 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. 1 of 2025 of the ~~(County)(City)~~(Town)~~(Village)~~ of SPARTA was duly passed by the TOWN BOARD OF THE TOWN OF SPARTA on MAY 13, 2025, in accordance with the applicable
(Name of Legislative Body)
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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20☐☐, in accordance w ith 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
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.

* 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 1 above.

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

(Seal)

Date: 5/13/25