

Town of Sherburne
Introductory Local Law No. 1 of the Year 2022.
A Local Law Regulating the Decommissioning of Large
Scale Solar Energy Systems and Wind Energy Systems

Be it enacted by the Town Board of the Town of Sherburne as follows:

Section 1.

Title and Authority. This local law shall be known as the Town of Sherburne Large Scale Solar Energy System and Wind Energy System Decommissioning Law. It is adopted pursuant to sections 10 and 20 of the Municipal Home Rule Law.

Section 2.

Legislative Intent. Large-scale solar energy systems and wind energy systems are permitted throughout the Town of Sherburne. Applications for the installation of a large-scale solar energy system or wind energy system shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Planning Board for its review and action. The Planning Board may impose any modifications or conditions (including time limits) it deems necessary to conform to the goals and objectives of the Town's Comprehensive Plan and its principles of land use and development and to protect the health, safety or general welfare of the public.

Section 3.

Definitions. As used in this section, the following terms shall have the meanings indicated:

a. **BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM**

A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

b. **GROUND-MOUNTED SOLAR ENERGY SYSTEM**

A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for on-site consumption.

c. **LARGE-SCALE SOLAR ENERGY SYSTEM**

A solar energy system that is ground-mounted in excess of 1,000 square feet and produces energy primarily for the purpose of off-site sale or consumption.

d. **ROOF-MOUNTED SOLAR ENERGY SYSTEM**

A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for on-site or off-site consumption.

e. **SOLAR ENERGY EQUIPMENT**

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

f. **SOLAR ENERGY SYSTEM**

An electrical generating system composed of a combination of both solar panels and solar energy equipment.

g. SOLAR PANEL

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

h. WIND ENERGY SYSTEM

An arrangement of wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of wind energy and its conversion, storage, protection and distribution.

i. WIND ENERGY EQUIPMENT

Collectors, turbines, mills, controls, energy storage devices, that pumps and pumps, and other materials, hardware or equipment necessary to the process by which wind is (1) collected, (2) converted into another form of energy such as thermal, electrical, mechanical or chemical, (3) stored, (4) protected from unnecessary dissipation, and (5) distributed.

Section 4.

Applicability. The requirements of this section shall apply to all solar energy systems and wind energy systems installed or modified after its effective date, excluding general maintenance and repair and building-integrated photovoltaic systems.

Section 5.

Decommissioning plan and Bond.

1. To ensure the proper removal of large-scale solar energy systems and wind energy systems, a decommissioning plan shall be submitted to the Town of Sherburne prior to beginning construction of any large-scale solar energy system or wind energy system. A bond shall be required by the Town of Sherburne, hereinafter referred to as a “decommissioning bond”, based on the cost estimate established in the decommissioning plan or otherwise established by the Town of Sherburne. The owner of the large-scale energy system or wind energy system will be responsible for premium payments on the decommissioning bond and shall renew the bond as often as necessary to ensure the bond is in place at all times until decommissioning is complete. Compliance with this plan shall be a condition precedent to the site-plan approval of any large-scale solar energy system or wind energy system.

The decommissioning plan must specify that after the large-scale solar energy system or wind energy system is scheduled to be taken out of service due to functional, economic, physical, or any other reason, the entire large-scale solar energy system or wind energy system shall be removed by the applicant or any successor in interest. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected time line for execution of the decommissioning plan. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take into account inflation. Removal of large-scale solar energy systems and/or wind energy systems must be completed in accordance with the decommissioning plan. If the large-scale solar energy system or wind energy system is not timely decommissioned after being considered abandoned, the Town may remove the system and restore the property. If the Town removes or otherwise decommissions the large-scale solar energy system or wind energy system, it may impose a lien on the property to cover the removal and remediation costs actually expended by the Town.

2. Abandonment - Solar energy systems and wind energy systems are considered abandoned after 12 months without electrical energy generation as initially approved and must be removed from the property within 90 days. Applications for extensions are reviewed by the Code Enforcement Officer. A ninety-day extension may be granted.

Section 6.

Severability. Should any section or provision of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions hereof.

Section 7.

Effective Date. This Local Law shall become effective upon filing with the Secretary of State of the State of New York as provided by the Municipal Home Rule Law Section.