

## Chapter 172

### SOLAR ENERGY

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 10-25-2018 as L.L. No. 11-2018. [Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Fees -- See Ch. A220.

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#### § 172-1. Purpose and intent.

Solar energy is a renewable and non-polluting energy resource which can be used to reduce energy demand.

- A. The purpose of this local law is to establish reasonable standards to accommodate the development and installation of solar energy systems while maintaining the aesthetics of the neighborhood and maintaining health and safety.

#### § 172-2. Definitions

**ACCESSORY STRUCTURE** -- A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.

**ALTERNATIVE ENERGY SYSTEMS** -- Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

**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 and which does not alter the relief of the roof.

**FLUSH-MOUNTED SOLAR PANEL** -- Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

**FREESTANDING 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.

**PERMIT GRANTING AUTHORITY** -- The Village of Alden Board of Trustees shall be charged with the authority for granting permits for the operation of solar energy systems.

**PHOTOVOLTAIC (PV) SYSTEMS** -- A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes 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 definition. 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 Village of Alden determines 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 parts.

**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 toward the south at an optimal angle.

**SOLAR ACCESS** -- Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

**SOLAR ENERGY SYSTEM** - A system for the purposes of generating electricity by way of the use of solar panels and related materials, including, but not limited to, roofing materials.

**SOLAR EASEMENT** -- An easement recorded pursuant to NY Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

**SOLAR PANEL** -- A device for the direct conversion of solar energy into electricity.

**§ 172-3. Applicability.**

- A. The requirements of this Local law shall apply to all solar energy systems (residential, commercial, multi-family, industrial, and condominium/cooperative) modified or installed after the effective date of this Local law.
- B. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of this Local law except in accordance with §172-5(C), (D), (E), (F) and (G).
- C. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
- D. Solar energy collectors 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 provision shall be construed to 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 § 66-j or similar state or federal statute.
- E. This local law shall not apply to solar thermal systems that are used to collect heat for use in swimming pools and related uses.

**§ 172-4. Permitting.**

- A. No solar energy system or device shall be installed or operated in the Village of Alden except in compliance with this article.
- B. To the extent practicable, and in accordance with Village of Alden law, the accommodation of solar energy systems and equipment and the protection of

access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Village of Alden Code.

- C. Building permits shall be required for installation of all rooftop and building mounted solar collectors in all zoning districts in the Village of Alden.
- D. Notice of all installations regardless of location shall be provided by the applicant to the local fire department for their review no less than thirty (30) days prior to any installation.
- E. Ground-Mounted and Free Standing Solar Collectors: Ground-mounted and free standing solar collectors are authorized in all zoning districts of the Village of Alden, provided the following criteria are met:
  - (1) Collectors may only be located upon individual lots of record that are at least sixty-five thousand (65,000) square feet or more in area.
  - (2) Collectors may be located in any R-District as an accessory use only if a primary structure is first located on the parcel, as defined in Chapter 210 (Zoning) of this Code.
  - (3) No collectors, their equipment, wiring, and/or any related structures may be located nearer than fifty (50) feet to any property line.
  - (4) No collectors or their equipment, wiring and structures may be located nearer than fifteen (15) feet to any other structure both on or adjacent to the subject property.
  - (5) All applications for ground-mounted collectors must include, and receive approval, of a site plan as outlined in Chapter 210 (Zoning) of this Code.
  - (6) Notice of all installations regardless of location shall be provided by the applicant to the local fire department for their review no less than thirty (30) days prior to any installation.
- F. Solar energy systems and equipment shall be permitted only if they are determined by the Village of Alden not to present any unreasonable safety risks, including, but not limited to, the following:
  - (1) Weight load
  - (2) Wind resistance

- (3) Ingress or egress in the event of fire or other emergency.

**§ 172-5. Safety.**

- A. All solar collector installations must be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Village.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar energy systems shall be maintained in good working order.
- E. Rooftop and building-mounted solar collectors shall meet New York's Uniform Fire Prevention and Building Code standards.
- F. 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 the all applicable laws and regulations.
- G. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.

**§ 172-6. Appeals.**

- A. If a building permit for a solar energy device is denied because of a conflict with other goals of the Village of Alden, the applicant may seek relief from the Village of Alden Zoning Board, which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors with respect to the grant of a use variance.

**§ 172-7. Penalties for offenses.**

Any person who shall violate any provisions of this chapter, commit unauthorized removal of notices or interference with officials shall be guilty of an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or both. Each day's continued violation shall constitute a separate offense.

**§ 172-8. Severability.**

If any section, clause or provision of this chapter or the application thereof to any persons is adjudged invalid, the adjunction shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.