

**TOWN OF BINGHAMTON
LOCAL LAW NO. ____ OF THE YEAR 2020**

CHAPTER 240

ARTICLE IX. SPECIAL USES

240.57.2 SOLAR ENERGY SYSTEMS LAW

SECTION I. TITLE

This Section shall be known as “Solar Energy Systems Law.”

SECTION II. PURPOSE, INTENT, AND FINDINGS

- A. Solar energy is a renewable and non-polluting energy resource that can reduce fossil fuel emissions. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
- B. The use of solar energy equipment for the purpose of providing power and energy for heating and/or cooling is beneficial to the Town and its residents.
- C. This local law is intended to facilitate the installation of solar energy systems and equipment.
- D. It is the intent of this law: a) to promote energy efficiency and conservation, and the use of renewable energy in the Town; b) to support “green” energy generating systems; and c) to support New York State in meeting its renewable energy goals.

SECTION III. DEFINITIONS

ACCESSORY USE - Accessory uses exist on the same lot as the principal use and are subordinate, incidental to, and customarily found in connection with the principal use.

ATTRACTIVE NUISANCE – A dangerous condition on a landowner’s property that may attract children onto the land and may involve risk or harm to their safety. Because child trespassers may not appreciate the risks that the dangerous condition poses, landowners have the duty to either eliminate that danger or make it inaccessible to trespassing children.

CERTIFICATE OF COMPLIANCE – A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents.

CLOSED LOOP SYSTEM – A system using buried high-density polyethylene (HDPE) plastic piping installed in drilled and grouted boreholes that conductively exchanges thermal (heat) energy with the ground via circulating water or a water/antifreeze mixture through the piping system.

CONCENTRATED SOLAR POWER - Concentrated solar power systems generate solar power by using mirrors or lenses to concentrate a large area of sunlight onto a receiver. Electricity is generated when the concentrated light is converted to heat, which drives a heat engine connected to an electrical power generator or powers a thermochemical reaction.

DECOMMISSIONING – The process of completely and properly removing a solar energy system.

DECOMMISSIONING PLAN – A formalized plan submitted at time of submission of a site plan to ensure proper and complete removal of a solar energy system.

DIRECT EXCHANGE SYSTEM – A system using buried copper tubing that conductively exchanges heat energy with the ground via circulating a refrigerant through the tubing.

ENERGY STORAGE – Devices that store energy and makes it available in an electrical form.

ENVIRONMENTAL ASSESSMENT FORM – A form used by an agency to assist it in determining the environmental significance or non-significance of actions. A properly completed EAF must contain enough information to describe the proposed action, its location, its purpose, and its potential impacts on the environment.

FREE-STANDING OR GROUND-MOUNTED SOLAR COLLECTOR SYSTEM – A solar energy system that is directly installed into or on the ground and is not attached or affixed to an existing structure.

GEOHERMAL ENERGY – Thermal energy generated and stored in the Earth

SOLAR ENERGY SYSTEMS – For purposes of this article, the term “large-scale solar energy systems” refers to solar photovoltaic systems that produce more than 25 kilowatts of energy.

LOT COVERAGE REQUIREMENTS – Must comply with area zoning requirements.

MINIMUM LOT SIZE – The smallest area allowed by zoning regulations on which to construct a structure.

NET METERING – A billing arrangement that allows a solar customer to get credit for excess power that the customer generates and delivers back to the grid so that the customer only pays for net power usage.

NON-CONFORMING STRUCTURE OR BUILDING – A building that was allowed under the zoning regulations at the time the building was established but which, because of subsequent changes in those regulations, is no longer a permitted use.

OPEN LOOP SYSTEM – A series of standard water wells that extract and use groundwater directly as a heat-exchange source then return the heated or cooled groundwater back to the aquifer.

PHOTOVOLTAIC (PV) SYSTEM – A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic (PV) cells that generate electricity when light strikes the PV cells. In this law, the term “Solar Collector” refers to a photovoltaic system for energy production.

PRINCIPAL USE – For each district, zoning lists certain uses as principal uses of land that are permitted as-of-right.

PROPERTY OPERATION AND MAINTENANCE PLAN – A plan documenting continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

QUALIFIED SOLAR INSTALLER – Persons or companies that have skills and knowledge related to the construction and operation of solar electrical equipment and installations and have received safety training on the hazards involved. Persons or companies 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.

REMOTE NET METERING – An arrangement with an electric utility that allows for the kilowatt hours (kWh) generated for a PV system located at a specific site to be credited towards kWh of consumption at different locations.

ROOFTOP/ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM – A solar energy 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 optimal angle.

SETBACKS – The distance from a front lot line, side lot line or rear lot line of a parcel within which a free-standing or ground-mounted solar energy system is installed.

SITE PLAN REVIEW – Review and approval of a site plan by the Town Planning Board.

SMALL-SCALE SOLAR ENERGY SYSTEMS – For purposes of this article, the term “small-scale solar energy system” refers to solar photovoltaic systems that produce up to and including 25 kilowatts of alternating current.

SOLAR ENERGY – A renewable and non-polluting energy resource that can reduce fossil fuel emissions.

SOLAR ENERGY EQUIPMENT/SYSTEM – Solar collectors, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to process by which solar radiation is collected, converted into another form of energy, stored, protected from dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

SOLAR THERMAL SYSTEMS – Solar thermal systems directly heat water or other liquids using

sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

SPECIAL USE PERMIT – A special use permit allows a parcel of land or property to be used in a manner that deviates from normally accepted activities in that area but conditioned upon compliance with specific requirements imposed to limit any negative effects on adjacent properties and the community.

TILT – the angle of the solar panels and/or solar collector relative to their latitude.

ZONE VISIBILITY MAP – A map showing where the solar-collector system may be seen.

SECTION IV.

Part I

A. Permitting Small-Scale Solar Energy Systems.

1. No small-scale solar energy systems or devices shall be installed or operated in the Town of Binghamton except in compliance with this law.
2. To the extent practicable, 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 Town Code.
3. Rooftop and building-mounted solar for small-scale solar energy systems are permitted in all zoning districts in the Town subject to the following conditions:
 - a. Building Permits, and/or unified solar permits, shall be required for installation of all rooftop and building-mounted solar collectors.
 - b. Any height limitations of the Town Code shall not be applicable to solar collectors provided that such structures are erected in accordance with the requirements of this law, and only extend 10 feet above a flat roof, and that such structures do not obstruct solar access to neighboring properties.
 - c. Placement of solar collectors on flat roofs shall be allowed as of right, provided that panels do not extend horizontally past the roofline.
4. Unified Solar Permit Process/Application. An applicant for an eligible roof-top mounted solar energy system must apply for a unified solar permit.
 - a. Provided the solar energy system meets the requirements for a unified solar permit set forth in this section of the law, an applicant must submit the unified solar permit application to the Code Enforcement Officer as follows:

- i. Unified Solar Permit Eligibility Checklist. The applicant shall complete the application form provided by the Town Code Enforcement Department. The Unified Solar Permit application can be found on the Town of Binghamton website. The application form contains a checklist to determine eligibility for a Unified Solar Permit. The application must be accompanied by:
 1. A site plan showing location of major components of the solar energy system and other equipment. This plan should represent relative locations of components on the roof or accessory structure, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan must show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable.
 2. Specification sheets for all manufactured components are required to be submitted to the Code Enforcement Department.
 3. One-line or three-line electrical diagram. The electrical diagram required by the New York State Energy Research and Development Authority (“NYSERDA”) for an incentive application, and/or utilities for an interconnection agreement must be provided here.
 - ii. All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:
 1. Project address, section, block and lot number of the property;
 2. Owner’s name, address and phone number;
 3. Name, address and phone number of the person preparing the plans; and
 4. System capacity in kW-DC.
 - b. Permit Review and Inspection Timeline for Unified Solar Permit. Unified solar permit determinations will be issued within 10 calendar days upon receipt of complete and accurate applications. The Town will provide feedback within 10 days of receiving incomplete or inaccurate applications. If an inspection is required, it will be provided within 5 days of inspection request.
 - c. Building-integrated photovoltaic (BIPV) systems for small-scale energy systems are permitted as of right in all zoning districts.
5. Ground-Mounted and Free-Standing Solar Collectors and Solar Thermal Systems for Small-Scale Solar Energy Systems. In all zoning districts, a special use permit or site plan approval is required for: (i) any ground-mounted or free-standing small-scale solar energy system or (ii) any ground-mounted or free-standing small-scale solar energy system thermal system. The type of review required is determined by the size of the lot. The following regulations and conditions apply to all small-scale solar energy system ground-

mounted or free-standing solar collectors and small-scale solar energy system thermal systems:

- a. An applicant for a ground-mounted or free-standing solar collector or solar thermal system (small-scale solar energy system) on any lot that is three (3) acres or less must apply for a special use permit.
- b. An applicant for a ground-mounted or free-standing solar collector or solar thermal system (Small-scale solar energy system) on any lot that is greater than three (3) acres must apply to the Planning Board for site plan review.
- c. Ground-mounted solar collectors or solar thermal systems (small-scale solar energy system) are only permitted as accessory uses.
- d. All ground-mounted solar collectors and solar thermal systems must be installed in the side or rear yards. No free-standing or ground-mounted solar collector system or solar thermal system shall be located in the front yard of any lot, including the front yard of any corner lot. The location of the solar collector(s) must meet all applicable setback requirements for accessory structures in the zoning district in which it is located.
- e. The height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- f. Solar energy equipment shall be located in a manner to (i) minimize visual impacts and view blockage for surrounding properties, and (ii) shading of property to the north, while still providing adequate solar access for collectors.
- g. The application shall include a plan and description of the method of screening of the ground-mounted or free-standing solar collector or thermal system. Screening shall be mandatory in all cases in which the lot is three (3) acres or less. The Planning Board shall have discretion to determine the method and location of screening required. Solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize the proposed structure with the character of the property and surrounding area.
- h. Upon applying for a permit, the applicant shall provide the Code Enforcement Department with information to demonstrate that the size and scale of the proposed ground-mounted or free-standing solar energy system is designed to generate electricity for the existing or proposed residence or the existing or proposed use on the lot, and not designed to generate electricity for sale or resale. If requested by the Code Enforcement Department, the applicant must provide a report from a qualified third-party to establish that the size and scale of the facility is consistent with the existing or proposed principal use on the lot. If the Code Enforcement Department determines that the size and scale of the proposed facility is not consistent with: (A) the energy usage history of the existing residence or use, or (B) the projected energy needs of the proposed structure or use, the Code Enforcement Department may deny the Permit. If the size and scale of the proposed solar collector facility will generate more than 150% of the existing or projected energy usage of the principal use/structure, the Code Enforcement Department may determine that the

proposed solar collector facility is not designed primarily to meet the energy needs of the existing or proposed principal use on the lot.

- i. The applicant shall provide a detailed plan showing the proposed location of the ground-mounted or free-standing solar energy system in relation to all property lines and all structures (existing and/or proposed) on the lot. If the applicant proposes to use landscaping to screen the facility, the landscaping must be maintained and/or replaced, as necessary.
 - j. Solar energy systems and equipment shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including, but not limited to, the following:
 - i. Weight load.
 - ii. Wind resistance.
 - iii. Ingress or egress in the event of fire or other emergency.
6. Placement of Small-Scale Solar Energy Systems on Non-conforming Buildings or Structures. Notwithstanding the area, lot and bulk requirements of this law or the Zoning Law of the Town, building-mounted and building-integrated small-scale solar energy systems may be installed:
- a. On the roof of a non-conforming structure or building that exceeds the maximum height restriction, provided the building-mounted solar collector does not extend above the peak or highest point of the roof to which it is mounted.
 - b. On a structure or building that exceeds the maximum lot coverage requirements, provided there is no increase in the extent or degree of non-conformity with said requirement.

D. Installation Requirements, Inspection, and Decommission

1. All small-scale solar energy system installations must be performed by a qualified solar installer.
2. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer or Building Inspector and by an appropriate electrical inspection person or agency, as determined by the Town.
3. Any connection to the public utility grid must be inspected by the appropriate public utility.
4. Solar energy systems shall be maintained in good working order.
5. Rooftop and building-mounted solar energy systems shall meet the current version of the New York Uniform Fire Prevention and Building Code standards in effect at the time permit is issued.

6. If energy storage devices are included as part of the small-scale solar energy 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 laws and regulations of New York State.
7. Right to Inspect. If the Code Enforcement Department receives a complaint, or requests access to inspect a solar collector facility, the property owner shall allow access to the property and facility. If it is determined after inspection that a hazard has been identified, the solar collector shall be removed or replaced within 120 days of notice from the Code Enforcement Department.
8. Abandonment and Decommissioning. Removal required. Any small-scale solar energy system which has been determined to be non-functioning or abandoned shall be decommissioned and removed. The owner of the facility and owner of the land upon which the system is located shall be jointly and severally responsible to physically remove all components of the system within one year of the determination of the system to be non-functioning or abandoned

E. Appeals

1. If a person or corporation is found to be in violation of the provisions of this law, appeals must be made in accordance with the established procedures of the Town Code. This is a code violation not an appeal.
2. If a permit for a solar energy system is denied because of a conflict with other laws of the Town, the applicant may appeal to (or apply for relief from) the Zoning Board of Appeals, which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors.

Part II

A. Permitting Large-Scale Solar Energy Systems.

1. No large-scale solar energy systems or devices shall be installed or operated in the Town of Binghamton except in compliance with this law.
2. All large-scale solar energy systems shall be installed by a qualified solar installer.
3. All large-scale solar energy systems require a special use permit and site plan approval. Except as noted in the section for "Small-Scale Solar Energy Systems," no solar collector system shall be constructed or installed without first obtaining a special use permit and site plan approval from the Town Board based on a review and recommendations of the Town Planning Board. Solar collector systems requiring a special use permit and site plan approval shall include, but not be limited to:

- a. Ground-mounted or free-standing solar energy systems that do not meet the definition of a small-scale solar energy system collector project.
 - b. Roof-mounted solar energy systems that do not meet the definition of small-scale solar energy systems.
 - c. Large-scale solar energy systems that are designed to provide electricity to an off-site user or users, through a net metering agreement or other agreement, located on a lot(s) other than the lot on which the solar collector system is located.
 - d. Collective solar energy system projects.
 - e. Solar collector systems mounted on carports or canopy structures covering parking facilities at commercial or industrial properties.
4. Special Use Permit Application Requirements. Applications for the installation of a large-scale solar energy system shall be reviewed by the Planning Board. For a special permit application, the site plan application is to be used as supplemented by the following provisions:
- a. If the property of the proposed project is to be leased, legal consent between all parties, including the landowner, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - b. Plans and specifications showing the site plan and proposed layout of the solar energy system signed by a professional engineer or registered architect shall be required.
 - c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - d. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - e. Decommissioning Plan. Such plan shall provide details for the decommissioning of the project, including removal of the solar equipment and restoration of the property back to its original state to be performed by the lessor and/or landowner or any successors in interest thereof at the lessor's and/or landowner's expense and provide a letter of credit for the cost of the decommissioning should any lessor and/or landowner fail to perform the decommissioning of the project. The lessor and landowner shall be required to enter into a decommissioning agreement with the Town.
5. Classification. Solar collector systems requiring a special use permit may be classified as either an accessory use or a principal use as set forth below.

- a. Principal use. (i) A solar collector system constructed on a lot and providing electricity to an off-site user or users through a remote net metering agreement or other arrangement, shall be considered a principal use. (ii) All large-scale solar energy systems, ground-mounted solar collector systems are classified as a principal use and shall adhere to the requirements of the zoning district in which the system is located, unless such regulations are modified by other provisions of this Section.
- b. Accessory use/accessory structure. A large-scale solar energy system, ground-mounted solar collector system shall be considered an accessory use/accessory structure when generating electricity for the primary consumption of a commercial or industrial principal use(s) or building(s) located on the same lot as the system. All large-scale solar energy systems ground-mounted solar collector systems that are classified as an accessory use/accessory structure shall adhere to the minimum area, yard and bulk requirements for principal uses within the zoning district in which the system is located, unless modified by other provisions of this Section.

6. Standards for Large-Scale Solar Energy Systems Requiring a Special Use Permit.

- a. Large-scale solar energy systems, ground-mounted solar collector systems and ground-mounted systems classified as a principal use shall comply with the following standards and criteria:
 - i. Setbacks. Ground-mounted large-scale solar energy systems are subject to the minimum yard and setback requirements for the zoning district in which the system is located. No part of a ground-mounted system shall extend into the required yards and/or setbacks.
 - ii. No solar collector should be closer than 20 feet to any other building, structure or adjacent lot or property line.
 - iii. Solar collectors should be 50 feet from the boundary line of any public street or roadway.
 - iv. No solar collector should be erected in front of any existing building.
 - v. Setback to residential district. If a ground-mounted large-scale solar energy system is located on a lot that adjoins a residential district, an additional setback as determined by the Code Enforcement Officer and/or Planning Board shall be provided between the residential district and all site improvements associated with the system. The additional setbacks are intended to provide a visual buffer between the residential district and ground-mounted system. The additional setback, as well as the minimum setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to provide, as much as practicable, a visual screen of the ground-mounted system from residential uses. The species, type,

location and planted height of such landscaping shall be subject to the approval of the Planning Board.

- vi. **Utility Connections.** Customer owned utility lines and connections from a large-scale solar energy system, ground-mounted solar PV system shall be installed underground, unless otherwise determined by the Planning Board for reasons that may include poor soil conditions, topography of the site, and requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- vii. **Fences.** The Planning Board shall determine whether a large-scale solar energy system requires a fence, and the type and size of the fence. Generally, fences not exceeding 8 feet in height, including open-weave chain link fences and solid fences, shall be permitted for the purpose of screening or enclosing a large-scale solar energy system.
- viii. **Height.** Large-scale solar energy systems may not exceed 15 feet in height.
- ix. **Minimum Lot Size.** Large-scale solar energy systems shall adhere to the minimum lot size requirements for the zoning district in which the system is located; however, the lot shall be large enough to accommodate the foot print of the array, all equipment, and required setback.
- x. **Lot Coverage Requirements.** Large-scale solar energy systems shall adhere to the maximum lot coverage requirement for principal uses within the zoning district in which they are located.
- xi. **Signs.** Any sign for a large-scale solar energy system classified as a principal use shall adhere to the sign requirements for the zoning district in which it is located. A sign shall be attached to the fence at the main gate that contains a warning about high voltage. Signage shall be provided at the meter that shows locations of disconnects and provides emergency contact information for emergency services.
- xii. **Siting Considerations.** It is a goal of the Town to preserve, to the maximum extent practicable, Mature Forests. Land that was a Mature Forest, must be cleared for a minimum of one (1) year prior to the submission of an application for a large-scale solar energy system. No large-scale solar energy system shall be installed in a floodplain or other environmentally sensitive area without the following:
 - 1. Approval of an engineering plan;
 - 2. Approval and acceptance of documentation showing proper installation including a maximum tilt with the entire panel(s) at least two feet above the base flood elevation;
 - 3. Approval and acceptance of plans for battery storage;

4. Approval and acceptance of plans for utility connections;
 5. Approval and acceptance of safety measures.
7. Building-Mounted, Large-Scale Solar Energy Systems.
 - i. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached. Solar panels shall be parallel to the roof surface or tilted with no more than an 18-inch gap between the module frame and the roof surface.
 - ii. For a building-mounted system installed on a flat roof, the highest point of the system shall not extend more than 10 feet above the height of the roof.
8. Special Use Permit Conditions. The following conditions shall apply to all special use permits issued for large-scale solar energy systems. No special use permit shall be issued unless the Planning Board finds that the following conditions have been or will be met.
 - a. Decommissioning Plan. All applications for large-scale solar energy systems shall be accompanied by a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the system. The decommissioning plan shall address those items listed in this Section and shall include:
 - i. An estimate of the anticipated operational life of the system,
 - ii. Identification of the party responsible for decommissioning,
 - iii. Description of any agreement with the landowner regarding decommissioning
 - iv. A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work, not to exceed 12 months,
 - v. A cost estimate prepared by a qualified professional engineer, estimating the full cost of decommissioning, removal and proper disposal of the solar photovoltaic system,
 - vi. An letter of credit to ensure that financial resources will be available to fully decommission the site.
 - vii. A decommissioning agreement entered into with the Town by all parties including the landowner.
 - b. Report. Upon request of the Town, the owner of the large-scale solar energy system shall provide the Town Building Inspector a report showing the rated

capacity of the system, and the amount of electricity that was generated in the most recent twelve month period. The report shall be submitted no later than 45 days after a written request. Failure to submit a report as required herein shall be considered a violation subject to the penalties and remedies set forth in this Section and the Town Code.

- c. Ownership Changes – If the ownership of a large-scale solar energy system that is under a special use permit changes, the special use permit shall remain in force and all conditions of the special permit will continue to be obligations of succeeding owners, subject to Town review and approval of the revisions to the special use permit. The Town Clerk shall be notified and the ownership change registered with the Town. All signs required shall be updated accordingly.
- d. Certification that the proposed large-scale solar energy system will not cause interference with air traffic.
- e. Report showing quality and storm water run-off calculations for the disturbed area.
- f. Plans to prevent the erosion of soil both during and after construction, excessive runoff, and flooding of other properties, as applicable. There should be pre-construction and post-construction drainage calculations for the site completed by a licensed engineer. From this the engineer must show how there will be no increase in runoff from site.
- g. The applicant shall submit a completed Environmental Assessment long-form (EAF) and a completed visual EAF addendum for the Town Board to process. Based on the result of the visual EAF addendum, the Town Board may require submission of a more detailed visual analysis.
- h. The applicant shall furnish a visual impact assessment, in a manner approved by the Planning Board, to demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the proposed large-scale solar energy system ground-mounted solar collector and all related structure which shall include:
 - i. A zone visibility map, which shall be provided in order to determine locations where the ground-mounted large-scale solar energy system may be seen.
 - ii. Pictorial representations of before and after views from key viewpoints both inside and outside of the town; including but not limited to major roadways; airports, county and local parks, other public lands; and from any other location where the site is visible to a large number of visitors, travelers, or residents. The Town Engineer, acting in consultation with its consultants or experts, will provide guidance concerning the appropriate key sites at a pre-application meeting.

- iii. An assessment of visual impact of the large-scale solar energy systems ground-mounted solar energy systems and accessory buildings for abutting and adjacent properties and streets.

9. Emergency Access.

Fire access roads and access for fire apparatus equipment shall be provided, as approved by the chief of the Town of Binghamton Volunteer Fire Company Inc. Any gates to the site shall be equipped with Knox Company locks to allow fire department access.

10. Right to Inspect

- a. In order to verify that the applicant for a large-scale solar energy system and any and all lessees, renters, and/or licensees of the large-scale solar energy systems place and construct such facilities, including but not limited to solar collectors and solar inverters, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances, and regulations and other applicable requirements, the Town may, at any time, inspect all documents and records regarding the holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities.
- b. Any special inspections required by the Code Enforcement Office shall be at the expense of the applicant.

B. Reimbursement for Costs of Review of Large-Scale Solar Energy Systems by Town Designated Engineer.

- 1. The applicant for a special use permit for a large-scale solar energy system shall be responsible for reimbursing the Town for the cost of the engineering review by the Town Designated Engineer.
- 2. The Planning Board may use the Town Designated Engineer (TDE) and retain consultants and/or experts necessary to assist the Town in reviewing and evaluating the Application at the expense of the applicant.
- 3. An Applicant shall deposit with the Planning Board funds sufficient to reimburse the Town for all reasonable costs of TDE and consultant evaluation and consultation in connection with the review of any Application. An initial deposit of \$1,500.00 (the "Initial Deposit") shall be deposited with the Application. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for their services in reviewing the Application. If at any time during the process the escrow account has a balance of less than \$1,000.00, the Applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$1,500.00. Such additional escrow funds shall be deposited with the Town before any

further action or consideration is taken on the Application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant. The amount of the escrow shall be commensurate with the scale of the project as defined and determined in Section 4 below.

4. The total amount of the funds needed as set forth in subsection (3) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification. In the event the Planning Board determines that the Initial Deposit will be insufficient for review of the Application, the Planning Board shall notify the Applicant, and the Applicant shall supplement the escrow fund within thirty (30) days of notice from the Building Inspector of the estimated amount of the review fees necessary to process the Application.

C. Liability Insurance

1. An owner/operator of a large-scale solar energy system shall secure and at all times maintain public liability insurance for the personal injuries, death and property damage, and umbrella insurance coverage for the duration of the large-scale solar energy system in amounts as set forth below;
 - a. Commercial general liability covering personal injuries, death, and property damage: \$2,000,000 per occurrence/ \$3,000,000 aggregate.
 - b. Automobile coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate.
 - c. Workers' compensation and disability: statutory amounts.
2. The insurance policies shall be issued by an agent or representation of an insurance company licensed to do business in the state and with a Best's rating of at least "A".
3. Renewal or replacement policies or certificates shall be delivered to the Town at least 15 days before the expiration of the insurance which such policies are to renew or replace.
4. Before construction of a permitted solar energy production system is initiated, but no later than 15 days after the grant of the Town's approval, the holder of the site plan approval must deliver to the Town a copy of each of the policies or certifications representing the insurance in the required amounts.

D. Penalties for Violations

1. In the event of a violation of this chapter or any large-scale solar energy system issued pursuant to this chapter, the Board may impose and collect, and the holder of the site plan approval for solar collection facilities shall pay to the Town, fines or penalties as set forth below.

2. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of \$1,500 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of \$2,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or such ordinance or regulation shall be deemed misdemeanors and, for such purpose only, all provisions of relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
3. Notwithstanding anything in this chapter, the owner/operator of a large-scale solar energy system may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the owner/operator of the large-scale solar energy system to termination and revocation of Certificate of Compliance. The Town may also seek injunctive relief to prevent the continued violation of this chapter, without limiting other remedies available to the Town.
4. Penalty for failure to maintain insurance shall include revocation of building and/or unified solar permit and certificate of occupancy or compliance.

E. Default and/or Revocation

1. If a large-scale solar energy system is repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this chapter, then the Code Enforcement Office shall notify the owner/operator of the large-scale solar energy system in writing of such violation. Such notice shall specify the nature of the violation or noncompliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this chapter, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Code Enforcement Officer may, at his sole discretion, order the violation remedied within 24 hours.
2. If, within the period set forth in Subsection 1 above, the large-scale solar energy system is not brought into compliance with the provisions of this chapter or substantial steps are not taken in order to bring the affected large-scale solar energy system into compliance, the Code Enforcement Office may revoke the Certificate of Compliance for large-scale solar energy system and shall notify the owner/operator of the large-scale solar energy system within 48 hours of such action.

F. Abandonment and Decommissioning Regulations for Large-Scale Solar Energy Systems.

1. **Applicability and Purpose.** This Section governing abandonment and decommissioning shall apply to large-scale solar energy systems. It is the purpose of this section to provide for the safety, health, protection and general welfare of persons and property in the Town of Binghamton by requiring abandoned commercial solar collector systems to be removed pursuant to a decommissioning plan on file with the Town. Abandoned large-scale solar energy systems may become unsafe by reason of their energy producing capabilities and serve as an attractive nuisance.
2. **Abandonment.** A large-scale solar energy system shall be deemed “abandoned” if the system fails to generate and transmit electricity at a rate of more than fifty percent (50%) of its rated capacity over a continuous period of one year. If requested by the Code Enforcement Officer, the property owner and/or operator of the solar collector system shall provide the Code Enforcement Officer, within forty-five (45) days of a written request, a report certified by a qualified consultant demonstrating that the solar collector system is operating at a rate of at least 50% of its rated capacity. Failure to provide a report within 45 days of a written request shall create a presumption that the solar collector facility is not operating at the rate of at least 50% of its rated capacity. A large-scale solar energy system also shall be deemed abandoned if, following site plan approval, construction of the system has commenced but is not completed within eighteen (18) months of issuance of the first Building Permit for the project as denoted by the issuance of a certificate of compliance. The time at which a large-scale solar energy system shall be deemed abandoned may be extended by the Planning Board for one additional period of one year, provided the system owner presents to the Planning Board a viable plan subject to acceptance by the Town Board, including a financial statement indicating adequate, dedicated funds, outlining the steps and schedules for placing the system in service or back in service, at no less than eighty percent (80%) of its rated capacity, within the time period of the extension. Any application for an extension of time shall be made to the Planning Board by the owner (and/or operator) prior to abandonment as defined herein.
3. **Removal Required.** Any large-scale solar energy system or small-scale solar energy system which has been determined to be abandoned shall be decommissioned and removed. The owner of the facility and owner of the land upon which the system is located shall be jointly and severally responsible to physically remove all components of the system within one year of abandonment. Removal of a large-scale solar energy system shall be in accordance with a decommissioning plan approved by the Town Board.
4. **Decommissioning and Removal.** Decommissioning and removal of all ground-mounted solar energy system shall consist of:
 - a. Physical removal of all above and below ground equipment, structures and

foundations, including but not limited to all solar arrays, buildings, security barriers, fences, electric transmission lines and components, roadways and other physical improvements to the site.

- b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations, including original receipts for all hazardous disposal items, which will be delivered to the town supervisor.
 - c. Restoration of the ground surface and soil.
 - d. Stabilization and re-vegetation of the site with native seed mixes and /or plant species (excluding invasive species) to minimize erosion
 - e. The System Owner remains indefinitely liable for any contamination (ground, ground water, or any other contamination) and is responsible for all remediation within NYS regulations.
5. Decommissioning and Removal by the Town. If a large-scale solar energy system or small-scale solar energy system owner and/or landowner fails to decommission and remove an abandoned facility in accordance with the requirements of this Section, the Town may enter upon the property to decommission and remove the system at the cost of the landowner.
6. Removal by Town and Reimbursement of Town Expenses. All costs and expenses incurred by the Town in connection with any proceeding or work performed by the Town or its representatives to decommission and remove a large-scale solar energy system, including legal costs and expenses, shall be reimbursed from the financial surety posted by the system owner or landowner as provided in this Section. Any costs incurred by the Town for decommissioning and removal that are not paid for or covered by the required surety, including legal costs, shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become part of the taxes to be levied and assessed thereon, and shall be enforced and collected with interest by the same officer and in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town.

Part III

A. Permitting Solar Thermal Systems

Solar-Thermal Systems: Solar-thermal system are permitted in all zoning districts subject to the following condition:

- 1. Ground-mounted and free-standing solar-thermal systems shall be subject to the same

requirements set forth in Parts I and II above as for ground-mounted and free-standing solar collectors.

Part IV

A. Permitting Geothermal Systems

1. There are several types of geothermal systems, also known as "ground source heating pumps". They include closed loop, open loop, and direct exchange systems and are distinguished by the type of ground heat exchange (GHX) installed in the earth for heat transfer.
2. The closed loop and direct exchange (DX) GHXs may be installed vertically in drilled boreholes or horizontally in excavated trenches then backfilled. The open loop systems are installed only in vertical drilled boreholes.
3. When geothermal systems are proposed in conjunction with applications for the approval of sewage disposal and water supply facilities at a particular project site, the installation is also subject to guidelines issued by Broome County Health Department (BCHD) regarding the installation of geothermal wells.
4. Geothermal energy systems shall be permitted, installed, and erected within the Town pursuant to a building permit so long as they meet the provisions of this Local Law and all applicable sections of the Town Code. Further, no building permit shall be issued to construct a geothermal energy system until all other applicable permits have been secured. Subject to compliance with this Local Law and all other sections of the Town Code, geothermal energy systems shall be permitted in all zoning districts as customary accessory uses.
5. Permitted geothermal systems eligible to receive a building permit are those that satisfy the following basic criteria:
 - a. An open loop system using standard water well(s) to both extract and return groundwater from/to the same aquifer and with well screens set within 50 vertical feet of one another.
 - b. An open loop system that is not connected to a potable water system.
 - c. An open loop system where the depth to groundwater is at least 20 feet below the surface.
 - d. A vertical closed loop system using standard HDPE "U-bends" installed into drilled boreholes and grouted fully from bottom to top per industry standards.
 - e. A horizontal closed loop system using standard HDPE pipe installed into horizontal trenches and backfilled per industry standards. (6) A DX-to-earth contact system including either horizontal, diagonal or vertical loops and DX-to-water system including vertical loops.
 - f. Is not proposed to be located within the following areas of potential sensitivity:
 - i. One-hundred-year flood hazard zones considered a V or AE Zone on the FEMA flood maps.

- ii. Freshwater wetland or within 100 feet landward of the aforementioned.
- iii. Regulated freshwater surface water body.
- iv. Coastal erosion hazard areas.
- v. Historic and/or culturally significant resources, in an historic district, or historic district transition zone.
- vi. Identified wellhead protection areas and aquifer protection districts.
- vii. Lake Protection Overlay District.

B. General Requirements

All permit applications shall be submitted to the Code Enforcement Officer on forms it provides and shall comply with all the requirements therein, including but not limited to the following:

- 1. Application for Permit.** Permit applications shall include, but not be limited to, the following items which may be satisfied by documentation supplied by the design engineer, installer or equipment manufacturer as applicable:
 - a. Demonstrate compliance with applicable building permit requirements.
 - b. A plot plan on an approved property survey no greater than a scale of one inch equals 40 feet depicting the limits of the setback zone distance from structures, property lines and public roads.
 - c. Certification by the design engineer and/or installer that the geothermal system complies with all applicable regulations and all applicable state and/or local building codes, including but not limited to those applicable to the use, storage or disposal of hazardous materials and chemicals.
 - d. Subsequent to installation and on or before final inspection, certification by the design engineer and/or installer that the geothermal system was installed as designed and that the design and installation complies with the relevant industry standards and guidelines outlined below in Subsection B of this section, including but not limited to Air Conditioning Contractors of America (ACCA) Manual J heat pump unit sizing for residential systems, ACCCA Manual N or comparable load calculation techniques for commercial systems, and manufacturer-specified closed loop and DX field design guidelines.
 - e. A one-line diagram of the electrical components on the plan in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code, Electric Code of the Town of Binghamton(if any) and the New York State Uniform Fire Prevention and Building Code.
 - f. An engineering analysis of the geothermal energy systems showing compliance with the New York State Uniform Fire Prevention and Building Code and certified by a licensed professional engineer.
 - g. Soil studies. Soil studies shall be required for geothermal energy systems having installations to be located on nonstandard soil conditions such as gravel, sand, muck, dune, beach, or dredge spoil (as determined by the Town Code Officer). No soil studies shall be required for all other geothermal energy systems, provided the manufacturer thereof submits a certification stating that the geothermal energy

system and its foundation are suitable for installation in the soil at the proposed location.

- h. A chemical data sheet including amounts of each chemical used in the system.
- i. A spill prevention plan.

2. Design Standards and Guidelines.

- a. The design and installation standards of geothermal systems, including related wells and boreholes for the GHX, shall conform to applicable industry standards, including, but not limited to, those listed below by type of system, and shall comply with the Town of Binghamton Code:
 - i. All Systems: the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), the Air-Conditioning and Refrigeration Institute (ARI), ACCA, Refrigeration Section of the International Building Code, and other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.
 - 1. The individual piping loops and circuits, and fully constructed piping network for all geothermal systems shall be pressure tested for integrity of original material and joints prior to backfill in accordance with the manufacturer's instructions and the governing standards or guidelines.
 - 2. Materials used to backfill horizontal GHXs and the buried, horizontal piping for vertical GHXs shall be suitable granular soil and shall be free from frozen lumps, ashes, refuse, vegetable or organic matter, rocks, or boulders over 150 mm (six inches) in any dimension, or other materials that may damage the piping. The backfilled excavations shall be compacted in accordance with industry standard practice and governing guidelines and regulations.
 - 3. To avoid any cross-contamination, geothermal systems shall not be cross-connected with building plumbing or water systems.
 - ii. Open loop systems: the National Ground Water Association (NGWA) and the American Water Works Association (AWWA).
 - iii. Closed loop systems: the International Ground Source Heat Pump Association (IGSHPA) and the NGWA.
 - iv. Direct exchange (DX) systems: the Canadian Standards Association (CSA), the National Association of Corrosion Engineers (NACE), the American Society of Mechanical Engineers (ASME) and in accordance with manufacturer's guidelines, methods and standards.
- b. For closed-loop systems, the following specifically apply:

- i. Closed loop borefield installers must be trained and accredited by IGSHPA and certified by the piping manufacturer in polyethylene pipe heat-fusion or electro-fuse welding techniques, whichever is used.
 - ii. Closed loop borefields that will supply greater than 50 tons of heating/cooling capacity must be designed by an IGSHPA certified geothermal designer in good standing with the IGSHPA.
 - iii. To the extent possible, non-toxic, non-hazardous materials shall be used in all closed loop systems. If antifreeze solutions are used as a circulating fluid in the buried ground heat exchanger, only antifreeze recommended by IGSHPA such as methanol, ethanol and food-grade propylene glycol shall be permitted.
 - iv. The borehole annulus (space between the borehole wall and the piping) shall be filled and sealed through its entire depth with a high-solids bentonite clay grout (at least twenty-percent solids by weight), from the bottom of the borehole to the top using the tremie method of grouting.
 - v. All horizontal closed-loop systems shall be no more than 20 feet deep.
- c. For open horizontal loop systems, the following specifically apply:
 - i. Open loop system contractors must be registered with the NYSDEC for drilling and installing wells and installing and start-up of submersible pumps and a copy of a NYSDEC well completion report must be submitted after the installation of the wells.
 - ii. Well drilling contractors must apprise state and local authorities of the location of wells installed as part of an open loop geothermal system.
 - iii. Open loop systems with rated pumping capacity of greater than 45 gallons per minute (gpm), or systems of lesser capacity proposed on a site with existing water supply wells and for which the combined pumping capacity of proposed on a site with existing water supply wells and for which the combined pumping capacity of proposed and existing wells exceeds 45 gpm, must obtain a well permit from the NYSDEC Division of Water.
 - iv. Open loop systems with a rated pumping capacity of greater than 45 gpm shall employ use of a plate-frame or shell-in-tube heat exchanger (HX) installed between the well piping and building hydronic loop to prevent cross-contamination of the return water by refrigerant, biocides, or corrosion inhibitors.
 - v. Heat pump coils and HS material of construction for open loop systems must be compatible with the groundwater chemistry per manufacturer's limits.
 - vi. Water extraction.
 - 1. Open loop systems may utilize a waterway to the extent permissible under federal, state or local municipal laws or regulations.
 - 2. Installation requirements for open loop wells shall be the same as those for potable water wells with respect to the means to prevent

aquifer contamination (grouting, etc.), or in conformance with standards, regulations, or guidelines established by the Town Engineer, NYSDEC, NGWA, and AWWA.

3. Any water table drawdown caused by an extraction well or wells shall not cause harm to the environment or otherwise impact the use of existing water supply wells on neighboring properties.

vii. Discharge of water.

1. Discharge of water from open loop systems into storm or sanitary sewer systems shall be prohibited, except upon written approval of the BCDHS, NYSDEC, or other authority having jurisdiction.
2. Discharge of water from open loop systems into a waterway or freshwater wetland is not allowed unless approved by applicable federal, state and local authorities.
3. Underground injection of water discharge from an open loop system shall be subject to the following conditions:
 - a. Returned water shall contain no treatment or additives or other introduced chemicals.
 - b. The return well shall recharge the same aquifer from which the supply water is extracted and recharge shall occur within 50 vertical feet of the supply well screen.
 - c. The return well shall discharge the water below the water table depth to prevent aeration of the return water which can lead to precipitation of iron or other minerals and premature plugging of the well screens.
 - d. The return well shall be located a minimum distance of 200 feet from wells on adjacent properties.
 - e. The return well shall be located a minimum distance of 100 feet from the on-site well.
 - f. The return well shall recharge the groundwater from which supply water is extracted.

viii. Return water practices shall not cause erosion, harm to the environment or flooding at the surface or other nuisance conditions on neighboring properties.

- ix. Geothermal systems shall not encroach on public drainage, utility roadway or trail easements of any nature.
- x. The use of open loop systems within identified wellhead protection areas is prohibited.

d. For DX systems, the following apply:

- i. DX system contractors shall demonstrate that they have successfully

completed a DX system installers training course and are certified by an applicable equipment and material manufacturer to install DX systems.

- ii. Piping and tubing shall be of a material equivalent to or better than Type Air Conditioning Refrigeration (ACR) piping, tubing and associated fittings in accordance with the appropriate ASTM standard and ASME standard.
- iii. Below-grade joints shall be purged with inert gas and brazed in accordance with American Welding Society (AWS) standards. Piping tubing and fittings shall be installed in accordance with CSA standards.
- iv. DX system contractors shall perform joining of all refrigerant connections per CSA standards.
- v. All underground Type ACR piping and tubing shall have a cathodic protection system which shall be designed and installed in accordance with the appropriate CSA standards and local site-specific conditions.
- vi. For vertical DX boreholes that are drilled into saturated aquifer materials (below the water table), the borehole annulus shall be filled and sealed through its entire depth with a geothermal grout from the bottom of the borehole to the top using the tremie method of grouting per CSA standards.
- vii. Horizontal DX GHXs and vertical DX boreholes lying above the water table shall be backfilled and compacted as specified in Subsection 2(a)(i) of this Section. Due consideration shall be given to settling of the excavated area.

- 3. As-Built Drawings.** Upon completion of construction, a scaled as-built drawing must be provided showing the locations of buried wells, closed loops, DX boreholes and horizontal connector piping, triangulated from two points on the property such as a building corner or other permanent structure. Offsets must also be shown from the nearest property line, and on-site septic systems and private water wells.

4. Setbacks.

- a. All horizontal closed-loop systems shall be no more than 20 feet deep.
- b. Unless otherwise specified, geothermal energy systems shall be located a minimum distance of 25 feet from any property line.
- c. Aboveground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.
- d. All geothermal energy systems shall be located a minimum distance of:
 - i. Ten feet from any water, sewage or utility line.
 - ii. Ten feet from any building foundation.
 - iii. Twenty-five feet from any potential source of contamination, such as underground fuel tanks, except a supply well in an open loop system shall be a minimum of 50 feet from such potential source of contamination.
 - iv. Fifty feet from any storm water recharge structure.
 - v. Seventy-five feet from any sewage disposal structure, such as a septic tank or cesspool or leaching field, except a supply well in an open loop system shall

be a minimum of one hundred feet from such sewage disposal structure.

- vi. One hundred feet from potable water wells
- e. All setbacks or separation distances shall be verified by a qualified water supply engineer or hydrogeologist in order to protect against thermal impacts, water level drawdowns and groundwater impacts or structures.

5. Decommissioning.

- a. A. If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense in accordance with the below after obtaining a demolition permit.
- b. Closed loop piping systems shall be decommissioned by flushing and filling the piping with potable water and capping off the ends. If the heat transfer fluid contains regulated materials (e.g., antifreeze, biocides or corrosion inhibitors), the heat transfer fluid shall be contained and disposed of in accordance with applicable regulations.
- c. Open loop wells shall be decommissioned per NYSDEC requirements.
- d. The heat pump and any external mechanical equipment shall be removed.
- e. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
- f. Water body geothermal systems shall be completely removed from the bottom of the body of water.

SECTION V. SEVERABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION VI. CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective law of the Town and the public shall apply.

SECTION VII. REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded.

SECTION VIII. EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the Secretary of State.

SECTION IX. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.