

**Local Law No.4 of 2018**

**A Local Law to amend Local Law #1 of 1989 (as revised and amended thereafter) by amending Article 18.50(4)[f]: COMMERCIAL SOLAR ENERGY SYSTEM as it pertains to decommissioning bonding**

**Section 1:**

ARTICLE 18: SOLAR ENERGY SYSTEMS, Section 18.50: COMMERCIAL SOLAR ENERGY SYSTEM of Local Law #1 of 1989 (as revised and amended thereafter), is hereby amended to replace the language in Section 4(f) with the following language:

(f) The applicant shall provide the Town with a decommissioning plan which ensures that the solar PV site will be restored to a useful, non-hazardous condition including removal of all above- and below-ground equipment, structures and foundations; disposal of all solid and hazardous waste; restoration of the surface grade and soil after removal of equipment; re-vegetation of restored soil areas; and the plan shall include a timeframe for the completion of the site restoration work, as referenced by Appendix (4), New York State Solar Guidebook, page 165.

The applicant will also provide the Town with a decommissioning bond that will be in an amount reviewed by the Planning Board, determined by the Town Board, and in no case less than the cost estimate developed by a NYS Licensed Professional Engineer or Architect designated by the applicant. The estimate shall be based on the size and scope of construction of the solar PV system. The cost estimate shall cover the complete removal of the solar PV system and all remediation to the site landscape. In the event the bonding company is responsible for the removal of the solar PV system, it must be done to the satisfaction of the Town. If the solar PV system owner fails to decommission the system in accordance with the requirements stated, the bonding company will become responsible for the decommissioning of the system.

The bond shall be in the form acceptable to the Town Attorney, which includes, but is not limited to, the letter of credit, perpetual bond, or combination thereof. The bond for the restoration of the site will include an escalator of 2% annually for the life of the solar PV system, with review no longer than five (5) years by the Planning Board, determination by the Town Board, and shall be adjusted, if deemed necessary, by the Town Board. If the bond is deemed to be adjusted, the applicant shall have ninety (90) days from date of notice to provide an adjusted bond.

**Section 2: SEVERABILITY OF PROVISIONS**

Should any section or provision of this Local Law be declared null, void, voidable or invalid, such finding shall not affect the validity of the remaining portions of this local law.

**Section 3: EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York State Secretary of State's Office.