TOWN OF NORTH EAST

PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2018

ENACTED OCTBER 11, 2018

BE IT ENACTED by the Town Board of the Town of North East as follows:

Section I. Title and A utho rity .

This Local Law shall be entitled "A Law to Regulate Solar Energy Systems". It is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town of North East (the "Town") to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with section 263 of the Town Law, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

Section II. Amendments to Town Code Establishing §170-73

The Town of North East Code is hereby amended to establish a new §170-73 entitled: "Solar Energy Systems" as follows:

§170-73(A) - Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is both a necessary and priority component of the Town of North East's current and long term sustainability agenda. It is also part of North East's commitment to be a "climate smart" community. Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this Section is to facilitate the development and operation of renewable energy systems based on sunlight while minimizing adverse impacts on neighboring properties so as to protect the public health, safety and welfare.

§170-73(B) Definitions. As used in this Law, the following terms shall have the meanings indicated, unless the context or subject matter otherwise requires. The definitions set forth in Section 180-5 of the Zoning Law of the Town of North East (the "Zoning Law") shall also apply where appropriate.

BUILDING -INTEGRA TED PHOTOVOLTAIC SYSTE M - A solar energy system that consists of integrating photovoltaic modules into the building envelope system such as vertical facades including glass and other materials, semi-transparent skylight systems, roofing materials, and shading over windows.

COLLECTIVE SOLAR INSTALLATION – A Solar Energy System owned collectively through subdivision homeowner associations, condominium associations, a group of individual property owners or other similar collective arrangements.

FLUSH-MOUNTED SOLAR PANEL - A photovoltaic panel or tile that is 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. Pole-mounted Solar Energy Systems shall be considered freestanding or ground-mounted solar energy systems for purposes of this Chapter.

GLARE – The Effects by reflections of light with intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility in any material respects.

HISTORIC DISTRICT – A group of buildings, properties, or sites that have been designated by the United States of America, New York State, the Town of North East or the Village of Millerton as historically or architecturally significant.

NET METERING - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the public utility grid so that they only pay for their net electricity usage at the end of the month or year.

PERMIT GRANTING AUTHORITY - The Town's Code Enforcement Officer (as described in Section 180-83 of the Zoning Law) who is charged with granting permits for the operation of Solar Energy Systems.

PHOTOVOLTAIC (PV) SYSTEM – 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 NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town's Permit Granting Authority or such other Town officer or employee as the

Town Board designates 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 parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP OR BUILDING-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System in which Solar Panels are mounted on top of the structure of a roof of any legally permitted building either as Flush-Mounted Solar Panels or as panels fixed to frames which can be tilted toward the south at an optimal angle.

SETBACK - The required minimum distance from a front, side lot line or rear lot line of a parcel within which a Freestanding or Ground-mounted Solar Energy System is installed.

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 CAR PORT – A solar photovoltaic cell, panel or array, together with any related equipment as defined in Solar Energy System, located over an existing or proposed parking facility.

SOLAR COLLECTOR - A solar photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat. .

SOLAR ENERGY SYSTEM – Solar Collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar Energy Systems include solar thermal and photovoltaic applications. For the purposes of this Law, a Solar Energy System does not include any system with a Solar Collector of four square feet or less in surface area .

SOLAR ENERGY SYSTEM BUILDING PERMIT – A building permit in the form approved by the Town Board for the construction of a Solar Energy System.

SOLAR FARM - Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies with the primary purpose of wholesale or retail sales of electricity. May also be referred to as SOLAR POWER PLANT.

SOLAR MODULE SURFACE AREA – The aggregate square footage of all Solar Panels which are part of a Solar Energy System installation, based upon the outer dimension length times width of each of the modules.

SOLAR PANEL - A photovoltaic device capable of collecting and directly converting solar energy into electricity. May also be referred to as SOLAR MODULE.

SOLAR STORAGE BATTERY - A device that stores energy from the sun and makes it available in an electrical form.

SOLAR THERMAL SYSTEM - Solar energy system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water or heating pool water.

§170-73(C). Applicability

(a) The requirements of this Section shall apply to all Solar Energy Systems and equipment installations modified or installed after the effective date of this Section.

(b) Solar Energy Systems for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this Section, shall not be required to meet the requirements of this Section.

(c) Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 25% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Law.

(d) All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code (the "Building Code"), the New York

State Energy Conservation Construction Code (the "Energy Code") and the Town Code as well as may be required by Public Service Commission regulations.

(e) No Solar Energy System shall be permitted to be installed if it is determined by the Code Enforcement Officer that such System presents an unreasonable safety risk because of weight load, wind resistance ingress or egress in the event of fire or other emergency, or any other reason.

(f) In order to make this assessment, the Code Enforcement Officer may require certification from a New York State licensed professional engineer that the system design conforms with applicable codes, regulations and industry standards and that the system has been properly installed and anchored to prevent flotation, collapse or lateral movement.

(g) All Solar Energy Systems and related equipment shall be surfaced, designed and sited so as not to reflect Glare onto adjacent properties or roadways and all Solar Panels shall have anti-reflective coatings.

(h) Solar Energy Systems, unless part of a Solar Farm or Solar Power Plant, shall be permitted only to provide power for the reasonably projected on-site consumption use by owners, lessees, tenants, residents, or other occupants of the property 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 Metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute.

(i) All Solar Energy Systems shall be subject to the lot coverage requirements of the Zoning Law. The lot coverage of a Solar Energy system shall include (1) foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars; (2) all mechanical equipment of the Solar Energy System, including any pad-mounted structure for batteries, switchboard, transformers or storage cells; paved access roads servicing the Solar Energy System; and (3) the total surface area of a regular geometric form enveloping the free-standing or ground-mounted Solar Energy System.

(j) No Solar Car Port on a residential parcel shall be larger than an area sufficient to cover two motor vehicles.

§170-73(D) Permitting and Approval Requirements

(a) All Solar Energy Systems shall require the issuance of a Solar Energy System Building Permit.

(b) Rooftop or Building-Mounted Solar Energy Systems that generate electricity primarily for use onsite shall be permitted as an accessory use in all zoning districts.

(c) Building-Integrated Photovoltaic Systems are permitted as an accessory use in all zoning districts provided they are shown on the plans submitted for the building permit application for the building containing the system approved by the Town's Code Enforcement Officer.)

(d) Rooftop or Building-Mounted Solar Energy Systems, which are to be located in any Historic District shall, in addition to a Solar Energy System building permit, require the issuance of a special use permit from the Zoning Board of Appeals ("ZBA").

(e) Freestanding or Ground-Mounted Solar Energy Systems, including Solar Car Ports, that generate electricity primarily for use onsite shall be permitted in all zoning districts, subject to the issuance of a Solar Energy System building permit and issuance of a special use permit by the ZBA.

(f) Solar Thermal Systems that generate hot water or electricity primarily for use onsite shall be permitted in all zoning districts, and shall only require a special use permit if ground-mounted.

(g) In addition to any other requirements for issuance of a special use permit set forth in the Zoning Law, the applicant shall submit the following information in connection with the application for a special use permit, provided, however, that the information required in subparagraph (1) shall not be required for Rooftop or Building-mounted Solar Energy Systems, Building-Integrated Photovoltaic Systems or Solar Car Ports :

(1) A soil map of the parcel on which the Solar Energy System is to be located prepared by the Dutchess County Soil and Water Conservation District showing any Federal or State wetlands, streams or other bodies of water, prime agricultural land, slope and 100-year and 150-year flood plains.

(2) Blueprints signed by a professional engineer or registered architect of the Solar Energy System showing the layout of the system.

(3) Equipment specification sheets for all photovoltaic panels, significant components, mounting systems and inverters to be installed.

(4) A description of any clearing of trees incident to construction of the

System.

(5) All information required by the Solar Energy System Building Permit.

(6) For Solar Farms, the additional information described in Section 10 of this Local Law.

(7) Any other information or documentation which the Zoning Board deems necessary for adequate review of the application.

(h) Review by the ZBA shall, in addition to the other requirements for issuance of a special use permit, include consideration of the requirements of this Section and the visual impact of the proposed solar installation, including on scenic and historic resources, and any related mitigation that may be deemed reasonably undertaken. The ZBA may require an applicant to submit a viewshed analysis meeting the requirements set forth in the New York State Department of Environmental Conservation's SEQRA publication entitled "Assessing and Mitigating Visual Impacts", http://www.dec.ny.gov/documents/permits_ej_operations_pdf/visual 2000.pdf. or other generally accepted viewshed analysis.

(i) The ZBA and the Planning Board are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically viable over time.

§170-73(E). Additional Requirements for Rooftop and Building-Mounted Solar Energy Systems

(a) Rooftop installations shall incorporate, when feasible, the following design requirements:

(1) Solar Panels on pitched roofs shall be mounted with a maximum distance of eight (8) inches between the roof surface and the highest edge of the system.

(2) Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.

(3) Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.

(4) Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than twenty-four (24) inches above the flat surface of the roof, whichever is higher.

(b) Rooftop and Building-Mounted Solar Energy Systems shall not exceed the maximum height limitations for the zoning district within which they are located.

(c) All such installations shall comply with the New York State Code to ensure firefighter and other emergency responder safety and access.

§170-73(F) Additional Requirements for Freestanding and Ground-Mounted Solar Energy Systems.

(a) In all zoning districts, a lot must have a minimum area of one (1) acre in order for a Freestanding or Ground-Mounted Solar Energy System to be permitted.

(b) The location of a ground-mounted or freestanding solar collector shall comply with the applicable setback requirements set forth in the Zoning Law for the applicable district.

(c) No Freestanding or Ground-Mounted Solar Energy System shall be permitted in either a required front yard as set forth for the zoning district within which the system is proposed or between the principal building on the lot and the fronting street or roadway, whichever is the greater distance.

(d) Any structures designed and/or constructed to position, hold and/or otherwise support any Freestanding or Ground-Mounted Solar Energy System equipment shall not cause the top edge of the solar panel to be greater than twelve (12) feet above ground level when oriented at a maximum vertical tilt.

(e) Any on site power lines shall, to the maximum extent practicable, be underground installations.

(f) Freestanding or Ground-Mounted Solar Energy Systems shall be screened to the extent practicable from adjoining residential lots and public rights-of- way through the use of architectural features, earth berms, landscaping, fencing or other features which will harmonize with the character of the property and surrounding area. The proposed screening shall not, however, interfere with the normal operation of the Solar Collectors.

(g) Solar Energy Systems shall be located in a manner to reasonably minimize

shading of property to the north while still providing adequate Solar Access for collectors.

(h) The area both beneath and between ground-mounted and freestanding solar collectors, i.e. within the regular geometric form cited above, shall be included in calculating whether the lot meets the maximum permitted building coverage and lot coverage and minimum open space standards for the zoning district within which the system is located. The system shall however not be considered in calculating whether any limitation on either the number or aggregate square footage of accessory structures is exceeded.

(i) The location of any Freestanding or Ground-Mounted Solar System , or any portion thereof, shall not encroach upon any ecologically-sensitive land or water resource or be permitted on any land subject to a conservation or agricultural easement of the terms of which would preclude construction of the Solar Energy System.

(j) Setback, screening and other requirements for Solar Car Ports may be modified or waived by the ZBA as part of the special use permit process where appropriate to permit, for example, the construction of a Solar Car Port in an existing or proposed commercial parking lot.

Section 8. Additional requirements for Small-scale Solar Thermal Systems. To the extent applicable, the installation of ground-mounted and free standing Solar Thermal Systems shall be subject to the same requirements as those set forth above for Ground-mounted and Freestanding Solar Energy Systems.

§170-73(G) Safety and Maintenance Requirements for Solar Energy System Installation.

a) Except for those systems where the electricity generated is for residential use only and are not part of a Collective Solar Installation, the installation of all Solar Energy Systems and any related equipment must be performed by a Qualified Solar Installer.

b) Prior to operation, electrical connections must be inspected by the Town's Building Inspector and by an appropriate electrical inspection person or agency, as determined by the Town.

c) Any connection to the public utility grid must be inspected by and comply with the requirements of the appropriate public utility and with any additional requirements of the New York State Public Service Commission.

d) Solar Energy Systems shall be maintained in good working order.

e) If a Solar Storage Battery is included as part of the Solar Energy System, it must be placed in a secure container or enclosure meeting the requirements of the State Uniform Fire Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and

regulations. Markings on such a storage battery shall be in accordance with the provisions of the State Code and the National Electric Code.

f) If a Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove all equipment associated with the Solar Energy System by no later than ninety (90) days after the end of the twelve-month period.

g) Marking ofequipment:

1) Solar emergency systems and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the Solar Energy System. Materials used for marking shall be weather-resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

2) For commercial application, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

3) In the event any of the standards in this Subsection "g" for markings are more stringent than applicable provisions of the State Uniform Fire Code, they shall be deemed to be guidelines only and the standards of the State Code shall apply.

§170-73(H). Solar Farms

a) Subject to subparagraph b) below, Solar farms shall be permitted only in the A5A, R1A, R3A, LC, HB-I, HB-II, HB-III, M and M-A zoning districts as described in Sections 180-6 and 180-7 of the Zoning Law subject to issuance of a Solar Energy System building permit and a special use permit by the ZBA.

b) In addition to any other requirements for issuance of a special use permit, the applicant shall submit the following information:

(1) A soil map of the parcel on which the Solar Energy System is to located prepared by the Dutchess County Soil and Water Conservation District showing any Federal or State wetlands, streams or other bodies of water, prime agricultural land, slope and 100-year and 150-year flood plains.
(2) Property lines and physical features, including roads, for the project site.
(3) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
(4) Drawings showing the location and size of any proposed towers or utility lines.

(5) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(5) Name, address and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. If the final system installer is different, the requested information for such final installer shall be submitted prior to the issuance of a building permit.

(6) Name, address, phone number and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.

(7) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

(8) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the ZBA.

(9) Blueprints signed by a professional engineer or registered architect of the Solar Energy System showing the layout of the system.

(10) Equipment specification sheets for all photovoltaic panels, significant components, mounting systems and inverters to be installed.

(11) A description of any clearing of trees incident to construction of the System.

(12) In the course of its review of a proposal for development of a solar farm, the Zoning Board or Appeals and/or Planning Board may require an applicant to submit a viewshed analysis meeting the procedures identified within the New York State Department of Environmental Conservation's SEQRA publication entitled "Assessing and Mitigating Visual Impacts", http://www.dec.ny.gov/documents/permits_ej_operations_pdf/visual 2000.pdf or any other generally accepted viewshed analysis.

13. Such other documentation and information which the ZBA deems necessary for adequate review of the application.

c) No Solar Farm shall be permitted on (i) Federal or State wetlands, or their buffer areas; (ii) ecologically sensitive land or water resources, (iii) land subject to conservation or agricultural easements the terms of which easement would preclude construction of a Solar Farm, or (iv) remove prime agricultural land or farmland of statewide importance from potential agricultural production

d) The installation of the solar power plant shall cause neither the cutting, within or at the periphery of a forested or woodland area, of more than 50% of the trees of six inches or more in diameter at breast height over any continuous land area of one-fourth acre nor overall site disturbance caused by grading, tree removal or other work on the Solar Farm site and its access exceeding a total of one acre.

e) The parcel on which a Solar Farm is sited shall be a minimum of ten (10) acres.

f) No Solar Farm shall be larger than 30 acres, including fencing.

g) No part of any structure shall be closer than 100 feet to any property line or to any public road. However, the Zoning Board of Appeals shall have the authority to impose greater setbacks as it determines necessary to preserve the rural character and scenic qualities of the surrounding community or to mitigate adverse visual impacts of the solar farm facility.

h) Solar Farms shall be enclosed by perimeter fencing, eight (8) feet in height and set back at a sufficient distance from all components of the solar installation to restrict unauthorized access or other safety hazard. The type of perimeter fencing shall be subject to approval by the ZBA.

i) Agricultural uses, including the raising of organic crops and small animals such as sheep, rabbits and chickens, may be carried out within the fenced perimeter of a Solar Farm

j) The ground within the fenced perimeter of a Solar Farm shall not be tamped, compressed, or otherwise specially conditioned with herbicides, pesticides or similar other treatments to inhibit the growth of natural vegetation.

k) The manufacturer's or installer's identification and appropriate warning signage and emergency contact information shall be posted at the site and clearly visible.

l) Solar Farm buildings and accessory structures shall, to the maximum extent practicable, use materials, colors and textures that will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from scenic roadways, park lands, historic properties and neighboring residences.

m) The average height of the solar panel arrays shall not exceed twelve (12) feet.

n) Solar Farm and Solar Power Plant panels and equipment shall be surfaced, designed and sited so as not to reflect Glare onto adjacent private properties and public roadways.

o) There shall be no outdoor lighting associated with the Solar Farm unless except as considered desirable for activation in the case of an emergency.

p) The use of paving and concrete shall be minimized in the design and construction of a Solar Farm.

q) Any on-site power lines shall, to the maximum extent practicable, be underground installations.

r) All applications for Solar Farms shall be accompanied by a decommissioning plan to

be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the structure. The Decommissioning Plan shall acknowledge the above requirements and explain how the removal of all above ground material 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 timeline for execution which shall in no event exceed one (1) year. As part of the Plan the applicant shall also acknowledge that should the removal not occur in accordance with the Plan, the Town may remove the system and restore the property and impose a lien on the property to cover any costs to the Town exceeding those covered by the bond or other performance guarante.

(2) The site shall be restored to as natural a condition as possible within six (6) months of the removal.

s) (1) Prior to issuance of a building permit or special use permit, the owner or operator of the Solar Farm shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated costs, as determined by the Planning Board upon recommendation of the Town Engineer to ensure removal of the solar energy system or facility or structure in accordance with the Decommissioning Plan described below. The form of the guaranty must be reviewed and approved by the Attorney to the Town and the Town Board and the guaranty must remain in effect until the system is removed. Review of the guaranty by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a Solar Farm or Solar Power Plant, a demolition permit for removal activities shall be obtained from the Town.

(2) In lieu of a removal bond, the Town Board, in its discretion, may permit the owner and/or operator to enter into a decommissioning agreement with the Town which provides, in relevant part, that if the decommissioning of the site is not completed within six months of the time period set forth in Section 9(o) above, the Town may, at its own expense, enter the property and remove or provide for the removal of the structures and equipment and/or the restoration of the site, as the case may be, in accordance with the decommissioning plan. Such agreement shall provide, in relevant part, that the Town may recover all expenses incurred for such activities from the defaulting property owner and/or operator. The cost incurred by the Town shall be assessed against the property and shall become a lien and tax upon said property and shall be added to and assessed as part of the taxes to be levied and assessed thereon and enforced and collected with interest in the same manner as other taxes. If such a decommissioning agreement is made, it shall be recorded by the landowner with the land records of Dutchess County and shall be an agreement which binds subsequent owners of the property. A copy showing the stamp of the recorder of deeds shall be given the the landowner to the Town Clerk. This provision shall not preclude the Town from collecting such costs and expenses by any other manner by action in law or in equity. In the event of any such legal proceedings, the owner and/or operator, as the case may be, shall be liable for all legal expenses, costs and disbursements in connection with said litigation, as awarded by a court of competent jurisdiction.

§170-73(I) Conforming Amendments

[To be provided]

Section 12. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including civil and criminal penalties, as provided for in §121-71 of the Town Code.

Section III. Severability

The determination of the invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of this Law shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Law, all of which shall remain in full force and effect .

Section IV. Supersession

This local law is hereby adopted pursuant to the provisions of §10 of the New York State Munic Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Tc Board to supersede any provisions of the New York State Town Law to the extent that they may inconsistent with the provisions of this Local Law,

Section V. Effective Date

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.