

LOCAL LAW NO. ___ OF 2022

**A LOCAL LAW AMENDING THE TOWN OF CORINTH
TOWN CODE TO ESTABLISH REGULATIONS FOR SOLAR ENERGY SYSTEMS**

Be it Enacted by the Corinth Town Board as Follows:

Section 1. Authority.

This Local Law amending the Town Land Use Code for regulation of solar energy systems is adopted pursuant New York State Municipal Home Rule Law and to § 261 through § 263 of the Town Law of the State of New York, which authorize the Town to adopt regulatory provisions that advance and protect the health, safety, and welfare of the community, and "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 2. Amendment of Town Code Chapter 89 “Land Use” Sections 89-5 and 89-6 to create Overlay District 2. § 89-5(A) is hereby amended to add “OD-2 Overlay District 2” to the list of land use districts. § 89-5(B) is hereby amended to add a subsection (13) which shall state the following:

(13) Overlay District-2 (OD-2). It is the purpose of this land use district to encourage development of solar energy systems in the Town of Corinth while protecting the health, safety and welfare of the community.

[“The Land Use Map of the Town of Corinth” provided under § 89-6 is hereby amended to include Overlay District 2 in conformity with the mapped presented together with this Local Law. The full version of the amended Land Use Map shall be maintained in the Town Clerk’s Office.]

Section 3. Amendment of Town Code Chapter 89 “Land Use” to Add a New Article XIV. Chapter 89 of the Corinth Town Code is hereby amended to add the following new Article XIV entitled “Regulations for Solar Energy Systems”:

ARTICLE XIV Regulations for Solar Energy Systems

§89-66 Applicability.

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

§89-67 Statement of purpose.

- A. This solar energy article is adopted as a new article in Chapter 89 Land Use, of the Code of the Town of Corinth to advance and protect the public health, safety, and welfare of the Town of Corinth, including:
- (1) Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource.
 - (2) Decreasing the cost of energy to the owners of government, commercial and residential properties, including single-family houses; and
 - (3) Increasing employment and business development in the region by furthering the installation of solar energy systems.

§89-68 Definitions.

As used in this article, the following words and terms shall have the meanings indicated:

ABANDONMENT

Solar energy systems are considered abandoned after 90 days without electrical generation for consumption and re-sale.

ANNUAL PAYMENT

The payment due under a PILOT Agreement entered into pursuant to Real Property Tax Law § 487(9).

ANNUAL PAYMENT DATE

January 1st of each year.

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM

A roof-mounted solar energy system of a principal or accessory building that is designed and constructed as an integral part of the roof frame, sheathing or surface. The components of a building-integrated system may be designed to replace or substitute for architectural or structural elements of a building's roof and complement, blend with or form part of a building's architectural appearance. Such components will maintain a uniform plane with, and/or form a part of, the roofline or roofing into which they are integrated. Such a system is used in lieu of

a separate solar energy system where components of the system are designed and attached to a building independent of building architecture. A building-integrated system may occur within transparent skylight systems, within roofing systems, replacing traditional roofing materials. A combination of photovoltaic building components integrated into any building skylight systems, and roofing materials.

CAPACITY

The manufacturer's nameplate capacity of the solar energy system as measured in kilowatts (kW) or megawatts (MW) AC.

DECOMMISSIONING

The process of making a solar energy system inoperable, complete removal and proper disposal of all system components, and remediating either the land upon which the system was sited, and/or the building on or in which it was installed. The decommissioning process shall begin for a solar energy system that has been in a state of abandonment for a period of one year. Remediation may include restoration of building components, grading, seeding, replanting, and revegetating the area impacted by the removal of the system and any associated components or facilities.

GLARE

The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respect.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

KILOWATT (kW)

A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

KILOWATT HOUR (kWh)

A unit of energy equivalent to one kilowatt of power generated or expended for one hour of time.

LOT COVERAGE

For the purposes of this Article, lot coverage includes the area covered by a solar panel or array as measured on a horizontal plane projected from the perimeter of said panel or array vertically to the ground. For panels or arrays where the tilt angle is adjusted by week, month, season or other period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.

NET METER

A meter used to measure the flow of electricity from the solar energy system to the electric utility grid for the purposes of net metering.

NET METERING

A system in which solar panels are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.

OWNER

The person, persons, and/or entity owning or possessing the property on which a solar energy system is located or installed, or their lessee, licensee or other person authorized to install and operate a solar energy system on the property.

PRINCIPAL USE

The main or primary purpose for which land or a building is used, occupied, or maintained. When more than one use is on a lot, the most intense use shall be considered the primary or principal use.

RESIDENTIAL SOLAR ENERGY SYSTEM

A solar energy system with a nameplate generating capacity less than 50 kW AC in size, ground-mounted, or installed on the roof or the property of a residential dwelling (including multi-family dwellings) and designed to serve the associated dwelling(s).

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system consisting of panels and associated brackets and hardware installed on an existing roof of any legally permitted principle or accessory building for the purpose of producing electricity for on-site or off-site consumption.

SOLAR ENERGY EQUIPMENT

Solar energy equipment consists of solar photovoltaic (PV) cells, panels and/or arrays, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware, or equipment necessary to the process by which solar radiation is:

- (i) Collected;
- (ii) Converted into another form of energy such as thermal, electrical, mechanical, or chemical;
- (iii) Stored;
- (iv) Protected from unnecessary dissipation; and
- (v) Distributed.

It also includes insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by New York law. A solar energy equipment does not include pipes, controls, insulation, or other equipment which are part of the normal heating, cooling, or insulation system of a building.

SOLAR ENERGY SYSTEM

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

SOLAR ENERGY SYSTEM, LARGE (UTILITY)-SCALE

A solar energy system with the power generation capacity larger than a small-scale solar energy system (see definition of “Solar Energy System, Small-Scale”) that feeds into the utility grid; or generates steam and drives a turbine (commonly referred to as concentrated solar power (CSP)) that also may feed directly into the utility grid.

SOLAR ENERGY SYSTEM, SMALL-SCALE

A solar energy system for residential, business, or farm use that has the capacity to collect the sun’s light energy and generate no more than 110% of the electricity consumed over the previous 12-month period by land use(s) existing on the lot where the solar energy system is located or on multiple lots in cases where remote net metering is allowed. For new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used. For the purposes of this Article, all small-scale solar energy systems shall be considered an accessory use.

SOLAR PANEL

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

§89-69 Permits and Transfers.

- A. Permit requirement. No solar energy system shall be constructed, reconstructed, moved, or have modifications to physical size, location or placement undertaken in the Town of Corinth except by first obtaining a building permit from the Town of Corinth Building Department.
- B. Exemptions. Replacement in-kind or repair of a solar energy system may occur without a permit or approval as specified in this Article when there shall be:
 - (1) No increase in total height.
 - (2) No increase in physical size.
 - (3) No change in location.
 - (4) No increase in rated capacity beyond the limits defined herein.

- C. Transfer. The standards of this Article and/or the terms or conditions for approval of any solar energy system as approved by the Planning Board under the standards of this Article shall remain in effect regardless of the transfer of any solar energy system or solar energy system permit, or sale of the entity owning such facility.

§89-70 Standards for Small-Scale Solar Energy Systems.

- A. Location requirements for small-scale solar energy systems. Small-scale solar energy systems, whether roof-mounted or ground-mounted, are permitted in all land use districts.
- B. Small-scale solar energy systems are permitted as accessory structures and shall not require site plan review.
- C. All small-scale solar energy systems shall be installed by a qualified solar installer, as determined by the Town of Corinth Building Department.
- D. All small-scale solar energy systems require a building permit from the Town of Corinth Building Department.
- E. All small-scale solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and standards set forth in this Article and any applicable federal, state, and county laws, regulations, or codes.
- C. Standards for small-scale, roof-mounted solar energy systems:
 - (1) Small-scale, roof-mounted solar energy systems are permitted as an accessory use in all land use districts when attached to any lawfully permitted building or structure.
 - (2) Height. Small-scale, roof-mounted solar energy systems shall not exceed the maximum height restrictions of the land use district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
 - (3) Positioning requirements. Small-scale, roof-mounted solar energy system installations shall incorporate, when feasible, the following design requirements: Panels must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system and may not extend above a line 18 inches below the roof's peak nor below a line on the roof where the building wall would intersect with the roof.
- D. Standards for small-scale, ground-mounted solar energy systems:
 - (1) Height; location; and positioning requirements:

(a) Height requirement. The height of small scale, ground-mounted solar energy systems, regardless of tilt, orientation, or rotation shall be a maximum of 15 feet.

(b) Location and positioning requirements:

[1.] Small scale, ground-mounted solar energy systems are prohibited in the side or front yards.

[2.] All components of small scale, ground-mounted solar energy systems shall be located in the rear yard.

[3.] All components of a small scale, ground-mounted solar energy systems are subject to rear and side lot line setback requirements of the land use district within which they are located.

[4.] Solar panels and mounts of small scale, ground-mounted solar energy systems shall be positioned to minimize shading of property to the north while still providing adequate sunlight access for the panels.

(2) Lot coverage requirements. Small scale, ground-mounted solar energy systems regardless of the lot size on which they are located are limited to a coverage area of 1,000 square feet or 20 % of the lot size; whichever is less. The surface area covered by ground-mounted solar panels shall be included in calculating lot coverage for purposes of the maximum lot coverage of the land use district within which they are located.

(3) Screening requirements. To the maximum extent practicable, small scale, ground-mounted solar energy systems are to be positioned so that maximum screening from the view of pedestrians, bicyclists, and motorists on the public right-of-way, and from the view of neighboring property owners is achieved. Supplemental berming, grading, planting and fence installation may be used to further screen the view of the system.

§89-71 Approval Procedure, Location Requirements, and Standards for Site Plan Review for Large-Scale Solar Energy Systems.

A. Approval procedure. The specific development plan for the large-scale solar energy system within the OD-2 district will be subject to site plan review and approval by the Town Planning Board.

B. Location requirements.

(1) The location of large-scale solar energy systems is permitted in Overlay District-2 (OD-2) as indicated on the Town of Corinth Land Use Map.

Location of large-scale solar energy systems in areas of the Town outside of the OD-2 District is prohibited.

(2) The minimum setback from the boundary with adjoining lots for all large-scale solar energy system components (buildings, structures, and facilities) shall be 100 feet for the front, rear, and side yards of the lot or lots on which the system is proposed.

(3) All large-scale solar energy systems components (buildings, structures, and facilities) regardless of the total lot size on which they are located, are limited to a coverage area of 60 percent of the total lot size. The surface area covered by ground-mounted solar panels shall be included in the lot coverage area.

(4) The minimum lot size for large-scale solar energy systems is 10 acres.

C. Application requirements. Application for site plan review and approval for installation and operation of a large-scale solar energy system shall be made to the Planning Board and shall include the following information:

(1) A description of the parcel or parcels upon which the solar energy system is to be located including the address, property owner information, and total lot area for all lots included with the proposed solar energy system. If the property of the proposed project is to be leased, legal consent among all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

(2) A narrative description of the proposed large-scale solar energy system and the purpose to be served.

(3) A scaled site plan showing the existing conditions of the lot on which the large-scale solar energy system is to be located including, but not limited to soil types, slope, wetlands under federal or state jurisdiction with applicable buffers, and a description of existing vegetation, and wildlife or wildlife habitat.

(4) A scaled site plan of the proposed large-scale solar energy system showing:

(a) The proposed location on which the large-scale solar energy system and its component elements are to be situated;

(b) The surrounding area within 500 feet of the host lot(s) boundary;

(c) The buildings and structures currently on the lot;

- (d) Any proposed amount of soil disturbance and/or vegetation removal;
 - (e) Any demolition of existing structures/buildings;
 - (f) The number, type, size, location, configuration, and coverage area of solar energy system panels or arrays to be utilized;
 - (g) The size and location of accessory buildings and/or structures;
 - (h) The method of connection to the existing electric grid;
 - (i) The total energy to be generated; and
 - (j) The site plan shall bear the stamp and signature of a professional engineer or architect licensed by the NYS Department of Education.
- (5) A description of land uses within 1,500 feet of the lot boundary on which the proposed large-scale solar energy system is to be located and how the proposed system will be compatible with these surrounding uses. The description shall include a quantification and assessment of potential adverse impacts and how each impact will be mitigated. The applicant shall indicate on the site plan and describe in written narrative form what best management practices are being undertaken to preserve the land in and around the area designated for the large-scale solar energy system. Such practices include but, are not limited to the provision of barriers to securely separate wildlife and from the solar equipment; a quantitative assessment of the cleared and/or disturbed lands (crop production, pasture lands, etc.) before and after installation of the large-scale solar energy system; and the inclusion of measures to maximize agricultural use of the land in and around the area of the large-scale solar energy system after the system is fully installed and operational.
- (a) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - (b) visual impact analysis describing the impact on views from adjoining and surrounding properties within 1,500 feet of the lot boundary on which the large-scale energy system is to be located. The analysis will include to extent necessary, narrative descriptions, mapping of the radius area analyzed identifying public lands and notable views, photographs of existing views, and rendered images of views at full build-out of the proposed system. The assessment shall include rendered images of the viewshed from publicly owned lands (parks, roads, streets, facilities), a description of the area impacted and mitigative measures taken to reduce any adverse visual impact.

- (c) To prevent unauthorized access, all ground-mounted, large-scale solar energy systems shall be enclosed by fencing up to eight feet in height. Warning signs with the owner's contact information shall be placed at each the entry gate. The type of fencing to be installed shall be determined by the Planning Board after consideration is made for the nature, use, and visual or aesthetic impacts on adjoining properties. The fencing and the system may be required to be further screened by landscaping to avoid adverse aesthetic impacts as determined by the Planning Board.
 - (d) A complete Part 1 of a Full Environmental Assessment Form (EAF) to be utilized in the completion of Parts 2 and 3 under the State Environmental Quality Review Act (SEQRA).
 - (e) Any application under this section shall meet any substantive provisions contained in local site plan requirements in the Article VI that, in the judgment of the Planning Board, are applicable to the system being proposed.
- (6) Property operation, maintenance, and decommissioning plan. A property operation, maintenance and decommissioning plan is to be submitted with the application for site plan review. The property operation, maintenance and decommissioning plan shall include the following:
- (a) A written plan for maintenance and upkeep of the solar equipment, associated facilities and surrounding land shall be required. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming. As appropriate and at the sole discretion of the Planning Board, an escrow account or letter of credit may be required to cover the expenses associated with funding the maintenance plan in the event the applicant or designated responsible entity is not able to fulfill the terms of the maintenance plan as required as part of the site plan review application.
 - (b) Removal of large-scale solar energy systems must be completed in accordance with a written decommissioning plan. The requirements for a complete decommissioning plan are as follows:
 - [1] The decommissioning plan shall specify the procedure for decommissioning, dismantling and complete removal of the solar equipment, and associated facilities.
 - [2] The decommissioning plan will ensure the proper removal of all large-scale solar energy systems and associated equipment and restoration of the site to a stable, vegetated condition.

- [3] The plan must specify that should the system become inoperable or can no longer be used, it shall be removed by the applicant or any subsequent owner at their expense.
 - [4] The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation will be conducted to return the parcel to its original state prior to construction.
 - [5] The plan shall include a timeline for execution.
 - [6] The plan shall include provision of a cost estimate detailing the projected cost of executing the decommissioning plan. The cost estimate shall be prepared by a professional engineer or contractor. The cost estimate shall then be reviewed and confirmed by a qualified third-party professional engineer retained by the Town at the sole cost and expense of the applicant. The cost estimate shall consider inflation so that costs are covered through a future date to be determined by the Town Board.
 - [7] The amount of funds to fully cover the cost of the decommissioning the solar energy system shall be in a form of a security that is deemed acceptable by the Town Board.
 - [8] The decommissioning plan once deemed complete by the Planning Board shall be referred to the Town Board for their review and approval. Upon approval of the decommissioning plan by the Town Board, the Planning Board can then continue with the review of the site plan review application. The Planning Board cannot render a final decision on the site plan review application cannot be made until the decommissioning plan has been approved by the Town Board.
 - [9] The decommissioning plan shall be submitted as part of the site plan review application and compliance with the plan shall be made a condition of the final decision associated with the applications' review.
- (c) The applicant seeking approval to construct and install a large-scale solar energy system shall submit decommissioning plan and the agreed upon form of security in the form of a decommissioning agreement between the Town and the applicant. The decommissioning agreement as submitted, shall be reviewed by the Town Attorney and the Planning Board. Upon conclusion of the review, the Town Attorney and Planning Board shall then submit the agreement to the Town Board with a recommendation for approval, approval with modification(s), or denial. The Town Board shall review the agreement and recommendations of the Town Attorney and Planning Board. Upon

conclusion of the Town Board review, and the Supervisor may be authorized to sign the decommissioning agreement.

D. Standards for site plan review of large-scale solar energy systems. The Planning Board in reviewing the application for placement and operation of a large-scale solar energy system shall consider the following elements as a basis to approve, approve with modifications, or deny said application:

- (1) The degree to which the purpose of the proposed large-scale solar energy system is compatible with the Town Comprehensive Plan and the goals for the overall community, and neighborhood in which the system is to be located.
- (2) The degree to which the proposed system is properly sized for the lot on which the proposed system is to be located and the design of system components have effectively mitigated potential adverse impacts.
- (3) The degree to which the proposed system is compatible with the surrounding natural and built environs.
- (4) The degree to which adverse visual impacts have been mitigated with no adverse impact to public health and safety.
- (5) The degree to which the applicant has established the proper authority and permission from the property owner to undertake the proposed project.
- (6) Lot coverage and system placement. The percentage of lot coverage by PV panels or arrays will vary depending upon the physical characteristics (slope, vegetated area, the relationship between viable areas for PV panels or arrays and solar orientation, proximity to electric grid connection points) of the lot on which the system is to be located. The proposed design for the placement of the large-scale solar energy system should be efficient, resulting in minimal impact to the land, minimal loss of natural resources, and minimal impact to adjoining property owners, and area residents and/or businesses.
- (7) Visual impact. The design should result in minimal adverse impact to views from neighboring properties, public rights-of-ways, or other publicly owned properties (parks, conservation areas, governmental buildings, etc.)

- (8) After undertaking a hard look of potential adverse impacts through an environmental assessment under SEQRA involving completion of Parts 2 and 3 of the Complete EAF, the degree to which the proposed system design mitigation measures will eliminate; or reduce potential adverse impacts to the fullest extent practicable.
- (9) After undertaking the review procedures specified in items (a)-(h) above, the Planning Board may impose conditions on its approval of any site plan review application under this section to enforce the standards referred to herein, or to ensure compliance with the purpose and intent of the OD-2 District.

§89-72 Abandonment and Decommissioning.

- A. At the sole discretion of the Town of Corinth, large-scale solar energy systems are considered abandoned after 90 days without electrical energy generation. The owner shall begin the decommissioning process within nine months of abandonment or less if required by the project's decommissioning plan. Decommissioning and removal of the solar energy system shall be completed within the timeframe as specified in the decommissioning plan approved by the Town Board. The decommissioning process can be extended by one 90-day period upon approval of the Planning Board as a modification to the approved site plan.
- B. If the large-scale solar energy system is not properly decommissioned within the timeframe required by the project's decommissioning plan, the Town at its sole discretion may utilize the funds as provided in the decommissioning agreement to remove the system and restore the property as specified in the decommissioning plan. In the event the funds available through the decommissioning agreement are insufficient to fully complete the system's decommissioning, the Town of Corinth may impose a lien on the property to cover the decommissioning costs.

§89-73 Payment-In-Lieu of Taxes (PILOT)

- A. PILOT required. The owner of a lot or parcel on which a solar energy system is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT Agreement with the Town consistent with the terms of this Section, except for:
 - (1) The owner of a residential solar energy systems.
 - (2) Owners of a solar energy system that do not seek or qualify for an exemption from real property taxes pursuant to Real Property Tax Law § 487(4).

- B. The lessee or licensee of any owner of a property required to enter into a PILOT Agreement by this section, which owns or controls the solar energy system, may enter into the PILOT Agreement on behalf of the owner of the property.
- C. Any owner or developer of a solar energy system that meets the requirements under Real Property Tax Law § 487(4) MUST notify the Town Assessor via certified mail of its intent to construct a solar energy system. Such notice must be sent to: Town Assessor, Town of Corinth, 600 Palmer Avenue, Corinth, New York 12822. Upon receipt of such notification from an owner or other person of intent to install a solar energy system, the Assessor shall immediately, but in no case more than 60 days after receipt of the notification, notify the owner or other person of the mandatory required for a PILOT Agreement pursuant to the terms of this section. Any failure of the Assessor to timely send such notice that a PILOT Agreement is required shall not waive the requirement that the owner or developer enter into a PILOT Agreement as this Law alone is deemed sufficient notice.
- D. The failure or refusal of an owner, developer, or other person of a solar energy system to enter into and execute a PILOT Agreement with the Town as required by this law shall result in the real property on which such solar energy system is situated being ineligible for the real property tax exemption authorized by Real Property Tax Law § 487.
- E. Nothing in this section shall exempt any requirement for compliance with state and local codes for the installation of any solar energy equipment or a solar energy system or authorize the installation of any solar energy equipment or a solar energy system. All solar energy systems must file a Real Property Tax Exemption application pursuant to Real Property Tax Law § 487 to receive a tax exemption.
- F. The annual payments under the PILOT Agreement shall not exceed the amounts that would be otherwise payable but for the exemption under Real Property Tax Section 487 as the same may be amended, superseded, or replaced.
- G. Contents of PILOT Agreements. Each PILOT Agreement shall include:
- (1) Name and contact information of the owner or other party authorized to act upon behalf of the owner of the solar energy system.
 - (2) The section, block, and lot (SBL) number for each parcel or portion of a parcel on which the solar energy system will be located.
 - (3) A requirement for fifteen successive annual payments, to be paid commencing on the first annual payment date after the effective date of the real property tax Exemption granted pursuant to Real Property Tax Law § 487 as the same may be amended, superseded, or replaced.

- (4) The Capacity of the solar energy system. If the Capacity of the solar energy system is increased or increased because of a system upgrade, replacement, partial removal or retirement of solar energy equipment, the annual payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.
- (5) That the parties agree that under the authority of Real Property Tax Law § 487 as the same may be amended, superseded, or replaced, the solar energy system shall be considered exempt from real property taxes, with the exception of special district fees for the 15-year life of the PILOT Agreement.
- (6) That the PILOT Agreement may not be assigned without the prior written consent of the Town which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the Town but without prior consent, assign its payment obligations under the PILOT Agreement to an affiliate of the owner or to any party who has provided or is providing financing to the owner for or related to the solar energy system, and has agreed in writing to accept all payment obligations of the owner.
- (7) That a Notice of the Agreement may be recorded by the owner at its expense, and that the Town shall cooperate in the execution of any Notices or Assignments with the owner and its successors.
- (8) The annual payment amounts or a formula to be used for the calculation of the annual payment amounts and any escalations thereof.
- (9) That if the annual payment is not paid when due, that upon failure to cure within 30 days, the Town may cancel the PILOT Agreement without notice to the owner, and the solar energy system shall thereafter be subject to taxation at its full assessed value.
- (10) In addition, if the annual payment is not paid when due, a late fee equal to 12% of the amount due shall be assessed on an annual basis.

§89-74 Penalties for Offenses.

Any violation of this Solar Energy Article shall be subject to the same civil and criminal penalties provided for in the Land Use Code of the Town of Corinth.

Section 4. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The provisions of this Local Law are severable. The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall apply only to the clause, sentence, paragraph, or provision adjudged invalid and shall not invalidate any other clause, sentence, paragraph, or part thereof and the rest of this Local Law shall remain valid and effective.

Section 5. Effective Date. This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.