

VILLAGE OF ANGOLA

PROPOSED LOCAL LAW NO. X OF 2024

A LOCAL LAW CREATING NEW REGULATIONS FOR SOLAR ENERGY SYSTEMS

Be it hereby enacted by the Planning Board of the Village of Angola, County of Erie, and State of New York, as follows:

SECTION 1. Title and Authority.

This Local Law shall be referred to as “Solar Energy Systems”

This local law is adopted pursuant to the authority granted by section 7-700 of Village Law and section 20 of the Municipal Home Rule Law of the State of New York, and:

SECTION 2. Purpose.

The Purpose of this law shall be to provide substantive and procedural standards for the siting, development, operation, and decommissioning of Solar Energy System in the Village of Angola.

Through this law, the Village of Angola intends to minimize the potential adverse impacts of Solar Energy Systems to public health, safety, ground water, water supply, the environment, and the Village’s community character and history.

The Village further finds that appropriate siting of Solar Energy Facilities, in a manner compatible with the Comprehensive Plan objectives and vision of preserving its natural, historical, and cultural assets, along with sustaining its valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats, wetlands, and watersheds, is effectuated through this law.

SECTION 3. Definitions.

Definitions. As used in this Section, the following terms shall have the meaning indicated:

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. See the Village of Angola Battery Energy Storage System Law (to be adopted).

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A solar energy system that consists of integrating photovoltaic modules into the building structure. Technologies include PV shingles or tiles, PV laminates, and PV Glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

FACILITY AREA: The cumulative land area occupied during the commercial operation of the solar energy generating facility. This shall include all areas and equipment within the facility’s perimeter boundary including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, and any other associated equipment as well as any site improvements beyond the facility’s

perimeter boundary such as access roads, permanent parking areas, or other permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

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 respects, which may result from solar installations.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure (In the Village of Angola, they can be Tier 2 or 3 systems).

KILOWATT (KW) AND MEGAWATT (MW): A unit of power. KW is equal to 1,000 watts of power. MW is 1,000 KW or a million watts of power.

NATIVE PERENNIAL VEGETATION: Wildflowers, grasses, or other native vegetation that serve as habitat, forage, or migratory stations. Such vegetation may be used to preserve land erosion or provide aesthetics to solar installations.

PRIME FARMLAND: soils classified by the NYS Department of Agriculture and Markets Agricultural Land Classification as mineral soils groups 1 through 4, prime farmland, and prime farmland if drained.

ROOF-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 sun at an optimal angle. Roof mounted systems shall be located on a roof of a permitted principal use or accessory structure (In the Village of Angola, they are typically Tier 1 systems).

SETBACK: Setbacks, for the purposes of ground mounted systems, shall be calculated from the fence line to any property line or designated item in the code (wells, structures, etc.).

SOLAR ACCESS: Space open and clear of overhangs, trees, shade, or other obstructions to permit the active use of solar energy systems on individual properties.

SOLAR ENERGY EQUIPMENT: Energy storage devices, materials, hardware, or electrical equipment and conduit associated with the production of electrical energy

SOLAR ENERGY PRODUCTION FACILITY: 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.

SOLAR ENERGY SYSTEM: Includes a combination of both solar panels and solar energy equipment. An Energy system in the Village of Angola can be defined as follows:

TIER 1 – rooftop, building mounted, or building integrated solar energy system – limited to 110% of electricity needed on site (as shown by the applicant and per NYSERDA rules).

TIER 2 – ground mounted solar energy system that is an accessory use – limited to 110% of electricity needed on site (as shown by the applicant and per NYSERDA rules).

TIER 3 – “Large-scale” solar projects not meeting the criteria of Tier 1 or Tier 2 solar.

SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.

SECTION 4. Applicability and General Requirements.

1. The requirements of this Section shall apply to all Solar Energy Systems installed or modified after the effective date of the local law by which it was adopted, excluding general maintenance and repair. It also will not apply to single pole mounted panels (less than 4 SF) that are used at businesses or residential homes to charge small batteries. In addition, this law shall apply to all applications related to Solar Energy Systems pending before the Village Board, Planning Board, or Zoning Board of Appeals as of the effective date of this law.
2. All Solar Energy Systems shall be designed, erected and installed or modified in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Fire Protection and Building Code and the Village Code as well as the National Electrical Code (NEC), National Fire Protection Code 70 (NFPA 70), and local and NYS regulations.
3. Under SEQRA regulations, actions are classified as Type I, Type II, or Unlisted Actions. Type II Actions are exempt from review and include actions such as the construction, expansion or placement of minor or accessory structures. The Village of Angola considers building-integrated solar components and small-scale systems to be Type II Actions and therefore exempt from all SEQRA requirements.
4. All applications for solar projects shall include the appropriate application fee as determined by the Village, as set by resolution of the Village Board.
5. Electrical Inspection. All solar energy systems/installations will require approval by a certified electrical inspector prior to use.
6. Fire Service Notice. Notification in writing to the Fire Department having operational authority at the location where the system is installed shall be made no later than 10 days following installation or as prescribed later in this law. Notification shall include a site map showing the location of the solar energy electrical panel as well as other information concerning the operation and shutdown of the solar energy system and posting of that information (full requirements to be provided at building permit application, including roof load bearing information, if applicable).
7. Abandonment or Disuse. The property owner or homeowner bears full responsibility for all costs associated with the dismantling and proper disposal of any solar energy system that becomes unsafe, goes into disuse, and/or is abandoned. See the Decommissioning section of this law for requirements for Tier 3 systems.

SECTION 5. TIER 1: Solar as an Accessory Use/ Structure.

This section governs the placement and installation of smaller scale rooftop, building integrated or building mounted solar energy systems (Tier 1) as defined herein. The installation of these smaller scale solar energy systems does require the applicant to obtain a building permit from the Village of Angola.

1. Roof-mounted systems – Tier 1 Systems, Building Integrated Systems.

Roof-mounted (Tier 1) systems are permitted as an accessory use in all zoning districts, when attached to a lawfully permitted principal structure and/or accessory structure, subject to the following requirements:

(1) Height. Solar energy systems shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building-mounted mechanical devices and equipment.

(2) Setback. Solar energy systems are subject to the setback requirements of the underlying zoning district (including any special lot requirements, if applicable).

(3) Aesthetics. Solar energy equipment shall incorporate the following design requirements:

[1] Solar energy equipment shall be installed outside the primary residence or accessory structure and as close to a public utility electrical meter as possible.

[2] Roof-mounted panels facing the front yard 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 (or as required by the Building Code). Panels cannot exceed a height of 30 feet in accordance with the Village Zoning Code.

[3] Access and Pathways: Roof access, pathways, and spacing requirements for solar photovoltaic systems shall be provided in accordance with the most recent standards.

EXCEPTIONS:

i. Roof access, pathways and spacing requirements need not be provided where an alternative ventilation method has been provided, or where vertical ventilation techniques will not be employed.

ii. Detached garages and accessory units.

[4] Size of solar photovoltaic array. Each photovoltaic array shall not exceed 150 feet in any direction.

[5] Roof Access Points. Roof access points shall be located:

i. In areas that establish access pathways which are independent of each other and as remote from each other as practicable to provide escape routes from all points along the roof.

ii. In areas that do not require the placement of ground ladders over openings such as windows or doors or areas that may cause congestion or create other hazards.

iii. At strong points of building construction, such as corners, pilasters, hips, and valleys and other areas capable of supporting the live load from emergency responders.

iv. Where the roof access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

v. Where the roof access point does not conflict with ground obstructions such as decks, fences, or landscaping.

vi. In areas that minimize roof tripping hazards such as vents, skylights, satellite dishes, antennas, or conduit runs.

[6] Ground access areas. Ground access areas shall be located directly beneath access roofs and roof access points. The minimum width of the ground access area shall be the full width of the access roof or roof access point, measured at the eave. The minimum depth shall allow for the safe placement of ground ladders for gaining entry to the access roof.

[7] Single ridge roofs. Panels, modules or arrays installed on roofs with a single ridge shall be located in a manner that provides two (2), 36 inches wide (914mm) access pathways extending from the roof access point to the ridge. Access pathways on opposing roof slopes shall not be located along the same plane as truss, rafter, or other such framing system that supports the pathway.

EXCEPTIONS:

- i. Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.
- ii. Structures where an access roof fronts a street, driveway, or other area readily accessible to emergency responders.
- iii. One access pathway shall be required when a roof slope containing panels, modules or arrays is located not more than 24 inches (610 mm) vertically from an adjoining roof which contains an access roof.

[8] Hip roofs (324.7.5). Panels, modules, and arrays installed on dwellings with hip roofs shall be located in a manner that provides a clear access pathway not less than 36 inches (914mm), extending from the roof access point to the ridge or peak, on each roof slope where panels, modules or arrays are located.

EXCEPTIONS:

- i. Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) or less.
- ii. Structures where an access roof fronts a street, driveway or other area readily accessible to emergency responders.

[9] Roofs with valleys. Panels and modules shall not be located less than 18 inches (457 mm) from a valley.

EXCEPTIONS:

- i. Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) or less.

[10] Allowance for smoke ventilation operations (324.7.7). Panels and modules shall not be located less than 18 inches (457 mm) from a ridge or peak.

EXCEPTIONS:

- i. Where an alternative ventilation method has been provided or where vertical ventilation methods will not be employed between the uppermost portion of the solar photovoltaic system and the roof ridge or peak.
- ii. Detached garages and accessory structures.
- iii. Notification to the Fire Service. Notification in writing to the Fire Department having operational authority at the location where the system will be installed shall be made no later than 10 (ten) days following installation:

[11] Notification shall include a site map showing the location of the solar energy electrical panel, as well as the proper operation of the disconnect switch(s) in the event of a fire or other emergency situation where the homeowner, tenant or other personnel is not available or familiar with the safe shut down operation of unit so as to have the ability to cut power from the solar panels.

[12] In addition a proper written statement showing the method of shut down shall be posted inside the main electrical panel of the unit which can be readily accessible for and to firefighting personnel.

- i. Roof mounted solar panels must be positioned to avoid glare which interferes with other properties or restricts views.
- ii. Roof mounted panels shall have non-hazardous anti-reflective coating and, if the replacement of a panel is necessary, it shall also have non-hazardous anti-reflective coating.

SECTION 6. Tier 2: Ground Mounted Systems (Small-scale Ground Solar).

1. Ground mounted Tier 2 solar energy systems are permitted as an accessory use/structure in all zoning districts and are subject to site plan approval and the requirements set forth in this section.
2. All Tier 2 ground-mounted solar panels shall be installed in the rear yard. Ground-mounted solar energy systems are not permitted in the front yard. Any application for installation and placement of a small-scale solar energy system under this section that requires a side yard location shall require an application containing a site plan.

As determined by the Planning Board additional screening or other requests or can deny this request.

3. Setback(s). Ground mounted solar panels are subject to setback requirements of the underlying zoning district, and if applicable, other requirements such as for special lots (corner, etc.). In no case, shall the setback from a property line be less than **25 feet**.
4. Height. Solar panels are restricted to a height of **fifteen (15)** feet. All height measurements are to be calculated when the solar energy system is oriented at maximum tilt.
5. Lot Coverage. The surface area (facility area) of ground mounted solar panels shall be included in lot coverage and impervious surface calculations. The total lot coverage shall not exceed **thirty five percent (35%)**, accounting for all other impervious surfaces on the lot, such as buildings and driveways.

6. Glare. All Solar Panels shall have a non-hazardous anti-glare coating to prevent glare. Proof of such shall be provided during any approval process and at time of permit application.

7. The site plan for such installation shall be reviewed by the Planning Board and shall be approved by a majority thereof.

SECTION 7. Tier 3. Solar As Principal Use.

Large-scale (Tier 3) solar energy systems are permitted by the issuance of a Special Use Permit **in the Industrial District** by the Village Board and are subject to the restrictions and requirements set forth in this section. To ensure that the benefits of the project are available to the entire community, the Village of Angola requires the applicant for a Tier 3 solar energy system to enter into a Host Community Agreement with the Village.

2. General Requirements

- (1) Every application for a Tier 3 solar energy system within the Village of Angola shall be made to the Village Board and shall be approved by a majority vote thereof.
- (2) Prior to Village Board review of the application, it may refer said application to the Planning Board for site plan review, report and recommendation for approval or disapproval and input on SEQR.
- (3) The Village Board shall hold a public hearing upon ten (10) days' notice duly posted and published in the official newspaper of the Village and on the Village bulletin board, before granting the special use permit. This hearing shall take place after the Planning Board issues their report.
- (4) Once the Village Board makes a final SEQR decision and if the special use permit is approved, the project will return to the Planning Board for final conditional site plan review and approval.
- (5) On applying for a building/site development permit for the project, the applicant/developer shall present final design plans and other SUP requirements to the Village for review for conformance to the SUP and its conditions, and site plan approvals and conditions. No building/site development permit shall be issued until the project is shown to meet all the SUP and site plan requirements, has received all other regulatory approvals and meets other requirements of the Village.

3. Special Use Permit Application Requirements. Every application for a Special Use Permit under this section shall contain the following information:

- (1) A completed proposed draft of the applicable State Environmental Quality Review Act (SEQRA) form (typically a FEAF).
- (2) Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- (3) Name, address, and contact information of the applicant, property owner(s) and agent submitting the proposed project application.

(4) 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, and identifying the party primarily responsible for paying any property taxes, Host community agreement or penalties attributable to the project.

(5) Technical drawings signed by a NYS Professional Engineer, showing the layout of the proposed solar energy system, including proposed access roads, landscaping, and screening (see site plan requirements).

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

(7) A property operation and maintenance plan describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, and maintenance of landscaping, fencing and other screening components, etc.

(8) A decommissioning plan (completed by a licensed engineer and signed by the engineer and owner/operator):

[1] To ensure the proper removal of Tier 3, the decommissioning plan shall include details regarding the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer or contractor. Cost estimates shall take inflation into account and not reflect any salvage value. In the case of a lease, the cost of decommissioning shall be borne by the entity or corporation that is leasing the property in question and not the landowner.

[2] A form of decommissioning security acceptable to the Village, through escrow, letter of credit, bond or the equivalency of, shall be established during the Special Use Permit process and must be in place prior to the commencement of construction to cover the cost of decommissioning the site. After completion of the project, the escrow, bond or equivalency of, shall be renewed on a determined schedule, adjusted for inflation and based on updated cost estimates. The amount of surety required shall be a minimum of 125 percent of the estimated cost to decommission (not allowing for recycle value). This decommissioning security shall be revisited a minimum of every 5 years or at times of bond renewal. The revisiting will take into consideration inflation and other cost increases.

(9) Stormwater management and erosion and sediment control plans in accordance with New York State and Local requirements. Special requirements (stricter standards; especially during construction) may be added for projects within the Recreation/ Open Space Overlay District.

(10) A lighting plan. Lighting of the solar energy system shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast (dark sky compliant) from adjacent properties.

(11) Information on any noise impacts on surrounding homes or other sensitive receptors. The 1-hour average noise generated from the solar energy system shall not exceed 45 decibels, as measured from the property line. If the applicant controls multiple, contiguous parcels, only the exterior boundary of the aggregated parcels shall be considered the “property line” for purposes of measuring noise.

(12) An assessment of the visual impacts of the solar energy system (including any above grade poles) on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis must be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required.

(14) An emergency operations plan must be submitted at the time of application. This plan shall address any additional items that are requested by the Planning Board. The Planning Board will receive input from emergency service providers and others as deemed necessary. If approved, a copy of the approved emergency operations plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. Prior to beginning operation of the facility, the owner shall schedule a day for training for the fire department and emergency service providers. At that training, keys/access codes shall be provided to the emergency service providers for accessing the facility.

(15) A site plan in accordance with the Village of Angola site plan requirements and drawn in sufficient detail as follows:

[1] Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below ground, on the site and adjacent to the site; and

[2] A landscape plan signed by a professional Landscape Architect, including the type of planting under the panels (and a reasoning for its selection); and

[3] Property lot lines and the location and dimensions of all existing structures and uses on site within 500 feet of the solar panels, and the zoning of the site and surrounding properties; and

[4] Proposed fencing and/or screening for said project.

(16) Information on the equipment to be installed, including the requirement that the system components not contain any hazardous substances.

(17) Information on the environmental and cultural resources (as identified through the NYSDEC Mapping system and by the Village of Angola) on the subject property and surrounding properties.

(18) Elevations showing the front and side view of all components of the solar energy system (panels, inverters, interconnection poles, etc.).

(19) Any such additional information as may be required by the Village's professional engineer or consultant, Village of Angola Zoning Board of Appeals, Village Board, Village Attorney, or Code Enforcement Officer.

(20) Information on soils, lot coverage, etc. illustrating how the project meets the requirements of this law.

SECTION 8. OWNERSHIP CHANGES.

1. If the owner of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the special use permit, site plan approval, HCA, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Village Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. New owners or operators must provide such notification to the Village Code Enforcement Officer in writing. The special use permit and all other local approvals for the solar energy system would be void if a new owner or operator fails to provide written notification to the Village Code Enforcement Officer in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications.
2. Any changes or alterations post-construction to a Tier 3 solar energy system shall be allowed only by amendment to the special use permit and/or site plan (if required) subject to all requirements of this Code.

SECTION 9. MAINTINENCE AND PROCEDURES.

1. Time limit on completion: Upon the granting of a special use permit for a Tier 3 solar energy system, the building permit shall be obtained within twelve (12) months and the project shall be completed within twenty-four (24) months of the granting of the special use permit. If not constructed, the special use permit and site plan approval and building permit shall require new review and approval.
2. Inspections: Upon reasonable notice, the Village of Angola Building Inspector or his or her designee may enter a lot on which a solar energy system has been approved for the purpose of ensuring compliance with any requirements or conditions. Twenty-four hours' advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. The applicant/operator shall authorize and cooperate in such inspection. Furthermore, a Tier 3 solar energy system shall be inspected annually or at any other time deemed necessary by the Village Building Inspector by a New-York-State-licensed professional engineer that has

been approved by the Village. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.

3. General complaint process: During construction, the Village Building Inspector can issue a stop order at any time for any violations of the special use permit or building permit. After construction is complete, the permit holder of a Tier-3 solar energy system shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements.
4. Continued operation: A solar energy system shall be always maintained in operational condition, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to request documentation from the owner of a solar energy system regarding the system's usage at any time.
5. Annual report: The owner and/or operator of a large-scale solar energy system must submit to the Village Code Enforcement officer a yearly report, due no later than February 15, which is certified as accurate and complete under penalty of perjury and contains the following information:
 - (1) The rated capacity of the system.
 - (2) The amount of electricity generated by the system in the most recent twelve-month period.
 - (3) The amount of electricity transmitted to the power grid in the most recent twelve-month period; and
 - (4) Any damage that has occurred to the system in the most recent twelve-month period, evidence that the damage was repaired (if damage has occurred), and testing of groundwater or wells (if damage has occurred) and the findings of that testing; and
 - (5) Any updates or maintenance performed to solar energy system components in the most recent twelve-month period and potential plans for such in the coming year.
 - (6) Removal. All solar energy systems shall be dismantled and removed by the owner/operator immediately from a lot when the special use permit or approval has been revoked by the Village of Angola Planning Board or the solar energy system has been deemed to be nonoperating or abandoned by the Building Inspector for a period of more than 365 days at the cost of the owner. If the owner/operator does not dismantle and remove said solar energy system as required, the Village Board may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and utilize the Bond to remove the solar energy system in accordance

with the decommissioning plan. Such action shall be in addition to and not in lieu of any other enforcement remedies the Village may have.

(7) Determination of abandonment or non-operation: A determination of the abandonment or non-operation of a solar energy system shall be made by the Village Building Inspector, who shall provide the owner/operator with written notice by personal service or certified mail at the address shown in the records of the Village or the application. Any appeal by the owner of the Building Inspector's determination of abandonment or inoperability shall be filed with the Village of Angola Village Board within 30 days of the Building Inspector causing personal service or mailing certified mail of his written determination and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Village Board or a court of competent jurisdiction grants a stay, or reverses said determination. At the earlier of the 366 days from the date of determination of abandonment or inoperability without re-activation approved or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.

SECTION 10- Reimbursement of Fees and Expenses.

1. An Applicant shall reimburse the Village for any fee or expense incurred in hiring subject matter experts and attorneys to review a large-scale solar energy system. The Village will estimate these costs and request that an escrow account be set up to pay for these costs incurred by the Village. Following the approval or denial of the application, the Village shall return to the Applicant any excess funds remaining in the escrow account. If the escrow account has been depleted prior to approval or denial of the application, the Applicant shall deposit such funds necessary for the Village to pay any outstanding consulting fees.
2. The applicable fees for any review or permit required by this local law shall be set from time to time by resolution of the Village Board.

SECTION 11 - Solar Energy System Liability Insurance.

1. The holder of a Special Use Permit for a Tier 3 solar energy system may be required (size over 0.25 MW) to secure prior to construction and maintain for the duration of the permit, public liability insurance as follows:
 - (a) Commercial general liability covering personal injuries, death, and property damage: \$5,000,000 per occurrence (\$10,000,000 aggregate) which shall specifically include the Village of Angola and its officers, councils, employees, attorneys, agents, and consultants as additional named insured.
 - (b) Umbrella coverage: \$10,000,000.

2. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in New York State and with at least a Best's rating of "A."
3. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village of Angola with at least thirty (30) days prior written notice in advance of cancellation.
4. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Village of Angola at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
5. Copies of Insurance Policy: No more than fifteen (15) days after the grant of the permit before construction is initiated, the permit holder shall deliver to the Village of Angola a copy of each of the policies or certificates representing the insurance in the required amounts.
6. Certificate of Insurance: A certificate of insurance states that it is for informational purposes only and does not confer sufficient rights upon the Village of Angola; therefore, a certificate of insurance shall not be deemed to comply with this law.
7. Indemnification: Any application for a solar energy system within the Village of Angola, shall contain an indemnification provision. The provision shall require the Applicant/ Owner/Operator to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village of Angola and its officers, councils, employees, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages whether compensatory or punitive, or expenses arising therefrom either at law or in equity which might arise out of or are caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said solar energy system, excepting however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Village of Angola or its employees or agents. With respect to the penalties, damages, or changes referenced herein, reasonable attorneys' fees, consultant fees, and expert witness fees are included in those costs that are recoverable by the Village of Angola.

SECTION 12- Violations.

1. Any violation of any provisions of this section shall be punishable by penalty or a term of imprisonment as prescribed in **Section 20-2006 of the Village Law** of the State of New York.
2. Notwithstanding the above, the Village Board of the Village of Angola hereby reserves the right to proceed to enforce the provisions of this section by civil action, injunction, and any other remedy afforded to it by the laws of the State of New York or the United States.

SECTION 14- Validity and Severability.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 15- Effective date.

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

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