

TOWN OF MADISON SOLAR REGULATIONS

Solar Energy Production Facility (SEPF)

January 2022

ACCESSORY FACILITIES or EQUIPMENT: Any structure other than a solar panel and the structure holding up a solar panel, including SEPF Buildings, overhead and underground electrical lines, access roads or other facility, related to the use and purpose of deriving energy from solar panels.

APPLICANT: Any individual, corporation, municipal corporation, municipal corporation-private entity cooperation, estate, trust-partnership, joint stock company, association of two or more persons, limited liability company or other entity submitting an application to the Town for a special permit for an SEPF, and its successors and assignees.

APPLICATION: The form approved by the Board, together with all necessary and appropriate documentation that an applicant submits in order to receive an SEPF Permit.

BOARD: The Town Board of the Town of Madison.

ENVIRONMENTAL LAWS: Any applicable law (including common law), statute, regulation, ordinance, order, code, guidance standard recognized by regulatory authorities, or other legal requirement relating to protection of the environment, Hazardous Material(s) and/or worker health and safety adopted by any applicable federal, state, or local governmental authority.

HAZARDOUS MATERIAL(S): Any pollutant, contaminant, hazardous or toxic substance, waste, and any other material (a) subject to regulation or governed by any Environmental Law; and (b) the presence, or discharge of, or exposure to which could result in liability as a result of its impact or potential impact on human health or the environment; and including asbestos and asbestos containing material; petroleum, petroleum products and waste oil; any flammable explosives, radioactive materials, or toxic mold.

NON-PARTICIPANT: A parcel of land which is not subject to any lease, good neighbor agreement or other contract with the Applicant for SEPF development by Applicant.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

SEPF BUILDING: Substations, operations and maintenance buildings, battery storage facilities and other SEPF-related buildings.

SEPF PERMIT: The official document or permit by which an Applicant is allowed to construct and use a Commercial SEPF as granted or issued by the Town.

SOLAR ENERGY PRODUCTION FACILITY (SEPF): Shall mean any mechanism designed for the purpose of converting solar energy into electrical energy and all equipment related thereto. A SEPF may be:

1. Commercial – A SEPF that primarily produces energy for off-site sale or consumption, or any SEPF that has a capacity of 200 kilowatts or more.

2. Non-Commercial—A SEPF that is incidental and subordinate to another use on the same parcel and which primarily produces energy for on-site consumption; provided, however, that if such parcel uses the SEPF for net-metering with a utility company, such SEPF may be considered non-commercial as long as it generates less than 110% of the on-site needs of the parcel.

SENSITIVE SITE: a Sensitive Site shall be any of the following:

1. All school property;
2. Each of the following, as defined by ½ mile distance from the water's edge at the time a SEPF Permit Application is submitted for Madison Lake and Lake Moraine.

Section 2. Non-Commercial SEPFs. A Non-Commercial SEPF may be constructed pursuant to a NYS unified solar permit ("Standard Permit") only and without the necessity of special permits, so long as the SEPF meets the criteria set forth in this Article; provided, however, that a Non-Commercial SEPF shall not be located on any Sensitive Sites. Non-Commercial SEPFs shall be permitted within the Town upon showing compliance with this Local Law and receipt of the Standard Permit. In addition to any other Standard Permit requirements, the following shall apply to Non-Commercial SEPFs.

1. A Non-Commercial SEPF use shall be limited to one or more roof-, wall-, and/or ground-mounted solar collector devices and solar-related equipment.
2. Solar carports shall be permitted over existing and proposed parking facilities.
3. Roof-Mounted SEPFs: SEPFs mounted on a roof shall not exceed any maximum height restrictions that may be applicable within the Town. Panels facing the front yard must be mounted at an angle that is no greater than 20 degrees greater than the angle of the roof's surface with a maximum distance of 24 inches between the roof and the highest edge of the system.
4. Ground-Mounted SEPFs: SEPFs mounted on the ground shall adhere to the applicable height and setback requirements but under no circumstances shall the top of the ground mounted SEPF be higher than 20 feet from the ground. Systems are limited to 20% lot coverage. All such systems installed in residential neighborhoods or on residential parcels of less than five acres shall be installed in the side or rear yards.
5. Installations shall be compliant with all NYS requirements, including but not limited to, those set forth in the Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

Section 3. Commercial SEPFs; SEPF Permit Required.

- A. A Commercial SEPF shall be constructed pursuant to a SEPF Permit from the Town Board, so long as the SEPF meets the criteria set forth in this Article, subject to obtaining all other necessary approvals including SEPF Permit review. The Town Board is the officially designated agency or body of the community that is authorized to review, analyze, evaluate, and make decisions with respect to granting or denying special permits for SEPFs and facilities (except where the application is subject entirely to Article 10 of the Public Service Law).
- B. An application for a SEPF Permit for a Commercial SEPF shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The Applicant shall provide proof that the landowner, if different than the Applicant, consents

to the filing of the Application or the Applicant shall provide a copy of the agreement between the Applicant and the landowner authorizing the Applicant to use the landowner's property as proposed in the application. At the discretion of the Board, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction. Applications shall not be deemed "complete" until all requirements herein have been satisfied and a SEQRA (State Environmental Quality Review Act) decision has been issued or a Draft EIS (Environmental Impact Study) has been accepted and is satisfactory.

- C. Applications not meeting the requirements stated herein or which are otherwise incomplete may be rejected by the Board.
- D. Completed applications for siting SEPFs shall be submitted to the Town Clerk at least ten (10) days prior to the regular meeting of the Board. The applicant shall attend any Board meeting where it wishes the application to be considered.
- E. The decision of the Board on the application shall be filed in the office of the Town Clerk and a copy thereof mailed to the applicant.
- F. Upon a majority vote of the Board, the Board may hold a public hearing on the Commercial SEPF application if one is not otherwise required.

Section 4. SEPF Permit Applications Requirements.

A plan for the proposed development of a Commercial SEPF shall be submitted with the application and such plan shall show and include:

- A. Name and address of the owner of the parcel where development is proposed, developer and seal of the engineer, architect, or surveyor preparing the plan. Name of project, boundary lines of parcel that project will be located on, a location map showing proposed site's location, date, north arrow, and scale of the plan.
- B. Application fee (non-refundable) of \$1,000.00
- C. Name and address of all owners of record of abutting parcels and those within fifteen hundred (1,500) feet of the property lines of parcel where development is proposed.
- D. A map showing all existing lot lines, easements and right of ways, and a sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the facility.
- E. A survey of any parcel where any portion of the SEPF will be located, a copy of which shall be provided to the owners of the surveyed land.
- F. A map showing existing and proposed topography at five-foot contour intervals.
- G. A landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features including size and type of plant material and erosion control measures.
- H. Completed State Environmental Quality Review Act (SEQRA) and Full Environmental Assessment Form (EAF).
- I. Photography assessing the visibility from key viewpoints, existing tree lines, and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as-built above ground site facilities as they would appear from distances within a three (3) mile radius of such SEPF. Pictures from specific locations may be required by the Board and all pictures shall be no smaller than 5"x7" and provided in hard, color copy and digitally.

- J. Documentation of the proposed intent and capacity of energy generation as well as a justification for any clearing required.
- K. Preliminary report prepared by Applicant describing:
 - (1) Surrounding topography in relation to the capabilities for generation of electricity by the sun.
 - (2) Required improvements for construction activities, including those within the public's right of way or land controlled by the Town.
 - (3) Proposed mitigation measures for visual impacts and other environmental impacts of each SEPF.
- L. Elevation map showing each solar panel's height and design including a cross-section of the structure.
- M. A description of the general geographic areas that would be acceptable for solar projects within the Town; furthermore, demonstration that the proposed site is the most appropriate site within the immediate area for the location of the SEPF. A copy of all manufacturers' specification for SEPFs shall be included.
- N. Description of the applicant's long range plans which project market demand and long range facility expansion needs within the Town.
- O. If the SEPF is a "major electric generating facility" subject to Article 10 of the Public Service Law and its accompanying regulations, all documents and information required to be provided to the Town, as well as any document or information provided to the Public Service Commission or other public agency which is specifically requested by the Town.
- P. Report showing quality and storm water run-off calculations for the area being disturbed.
- Q. Insurance Certificates meeting the requirements of this Article below.
- R. Plans to prevent the erosion of soil both during and after construction, excessive runoff and flooding of other properties, as applicable. There shall be pre-construction and post-construction drainage calculations for the site completed by a certified New York State engineer. From this, the engineer must show how there will be no increase in runoff from the site.
- S. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- T. Demonstrated compliance with, or inapplicability of, any Town road maintenance or road use local laws, which may include, but shall not be limited to, a proposed road use agreement.
- U. If any license, approval, permit, certification, or any type of registration or similar type of endorsement is required from any other agency, the applicant shall notify the Board of such requirement and the Board shall coordinate the review as deemed appropriate. A copy of any such license, approval, permit, certificate or registration shall be provided to the Board prior to approval of any special permit.
- V. A post-construction monitoring and compliance plan ("PCMC Plan") for the purpose of certifying SEPF project compliance. The PCMC Plan shall require the Applicant to present data reports to the Town showing its compliance with the requirements of this local law, any unanticipated impacts (positive and negative) to the environment, participants and non-participants, wildlife (including any threatened or endangered species), water quality in the project area, wetlands and storm water erosion controls at each of the following intervals following construction of the SEPF: 6 months, 1 year, 2 years, 5 years, and every 5 years thereafter.

Section 5. Requirements for Commercial SEPFs

A commercial SEPF shall comply with the following standards:

- A. Minimum lot area. The minimum lot area for a Commercial SEPF shall be 5 acres, or 6 acres for every megawatt of capacity, whichever is more.
- B. Maximum lot coverage. The total coverage of a lot with freestanding solar panels cannot exceed sixty percent (60%) lot coverage. Lot coverage shall be defined as the area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create, store or transfer solar energy, exclusive of fencing and roadways.
- C. Height and setback restrictions. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 25 feet in height above the ground at their highest tilted position.
- D. Buffer and setback restrictions. Unless contrary standards are expressly required by NYSEG or another governmental authority, the following standards shall apply to Commercial SEPFs, including SEPF Buildings:
 - (1) Site plans for the property shall be developed that provide for the preservation of natural vegetation in large unbroken blocks that also allow contiguous open spaces and vegetative screening to be established when adjacent parcels are developed. Areas within 15 feet on each side of any substation or battery storage facility shall be cleared, and kept clear, of combustible vegetation and other combustible growth.
 - (2) No Commercial SEPF shall be located on a Sensitive Site. A minimum one hundred fifty (150) foot setback from residential, agricultural and Sensitive Site property lines, a minimum one hundred (100) foot setback from the center of adjacent Town, County, and State roads, and a minimum seventy-five (75) foot setback from all other adjacent property lines, shall be maintained.
 - (3) A buffer of natural and undisturbed vegetation, supplemented with evergreen plantings which shall be at least 10 feet in height and no less than 8 feet apart, shall be provided around all SEPF equipment to provide screening from such adjacent roads and parcels. Visibility of the SEPF equipment from any adjacent property or road shall be at least 50% screened by such vegetative screening.
 - (4) SEPF Buildings shall be constructed in accordance with all applicable provisions of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, each as currently in effect and as hereafter amended from time to time, and all applicable provisions of the codes, regulations, and industry standards as referenced in either of the foregoing. The Applicant shall obtain necessary local floodplain development permits if any SEPF Building is proposed within special flood hazard areas.
 - (5) Battery storage systems and related equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 or CAN 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, mechanical): a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications); b) UL 1642 (Standard for Lithium Batteries); c) UL 1741 or UL 62109

(inverters and power converters); d) Certified under the applicable electrical, building, and fire prevention codes as required; e) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements. Battery storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

- E. Design standards. The Applicant shall submit a map plan which depicts and includes the elements found herein, as well as the following:
- (1) Ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, native, non-fertilizer-dependent, pollinator friendly flora.
 - (2) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction. Paths of ingress and egress to the SEPF shall be shown of the plan.
 - (3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground. If the applicant seeks above-ground utilities or transmission lines, sufficient proof of infeasibility must be provided.
 - (4) All SEPF shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
 - (5) All solar panels shall be completely enclosed by a minimum eight-foot-high fence that is of a type that is consistent with the surrounding neighborhood and the use of the property as reasonably determined by the Town Board. All mechanical equipment of a SEPF, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight-foot-high anchored mini-mesh chain-link fence with two-foot tip out and a self-locking gate. All such fences shall contain five-inch-high by sixteen-inch-wide grade-level cutouts every 75 feet to permit small animals to move freely into and out of the site. Landscape screening shall be provided in accordance with the landscaping provisions of this chapter.
 - (6) The applicant for a SEPF connected to the utility grid shall provide a "proof of concept letter" from the local utility company acknowledging the SEPF will be interconnected to the utility grid in order to sell electricity to the public utility entity.
 - (7) All debris, materials and/or mulch generated by site clearing or construction shall be removed from the site and disposed of properly.
 - (8) All lighting shall be depicted and conform to any exterior lighting standards of the Town and shall not unreasonably disturb adjacent parcels.
 - (9) Fire access roads and access for fire apparatus equipment shall be provided, as approved by the Town Fire Marshall or other entity primarily responsible for fire protection of that area.
 - (10) All storm water and drainage shall be contained on site in accordance with the Town standards and approval of a Storm Water Pollution Prevention Plan.
 - (11) A plan for soil or material removal.

- (12) For any SEPF to be constructed adjacent to a Sensitive Site, the map plan shall count for such sensitive areas and provide mitigation to the extent reasonably necessary as determined by the Board.
- (13) The design of an SEPF as required by this Section shall be prepared and sealed by a registered design professional.
- (14) Map plan plotted to scale, prepared by an architect, landscape architect, civil engineer, surveyor, land planner or other competent person, including thereon the following information:
- a. Preliminary architectural or engineering plans including elevations showing the use, location, and dimensions of proposed buildings and open spaces.
 - b. A map plan showing the proposed activity including the location, dimensions, and square footage of proposed buildings, location and dimensions of driveways, ingress and egress from the property, driveway intersections with streets, parking areas, and maneuvering areas.
 - c. A storm drainage and grading plan for analysis of proposed handling of surface water runoff and erosion control, including, where applicable under State or Federal Requirements, a Storm Water Notice of Intent and a Storm Water Pollution Prevention Plan.
 - d. A plan showing utilities and utility easements including method of sewage disposal in detail. Such disposal systems shall be fully compliant with Local Law 2 of 1976—"Amending Local Law 1 of the year 1973 Regulating the Disposal of Sewerage and Liquid Waste within the Town of Madison" and 1995 Local Law 1 of 1995—Disposal of Sewage.
 - e. Plans for all signs to be erected including dimensions, elevations and sign locations.
 - f. A landscape plan, prepared by a professional landscape architect or other competent person employed by a commercial garden, center, showing landscaping to be installed and maintained in front, side, and rear yards as developed, including shade trees, deciduous shrubs, evergreens, defined areas of well-kept grassed areas and ground cover. All such landscaping, grassed areas, and ground cover areas shall be maintained in a healthy growing condition at all times.
 - g. Plan of lighting for the exterior of structures and for any interior roadway, driveway, parking area, and off-street loading area.
 - h. A proposed construction and implementation schedule, and schedule of hours of operation.
- F. Signs. A sign not to exceed 2.25 square feet shall be attached to a fence adjacent to the main access gate and shall list the facility name, owner, and phone number. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. An emergency telephone number shall be posted at any SEPF Building and on the Applicant's website, if any, so that the appropriate people may be contacted should any SEPF need immediate attention.

- G. Other Approvals. If any license, approval, permit, certification, or any type of registration or similar type of endorsement is required from any other agency, such additional agency approvals shall be a condition to the Town's Planning Board issuance of a special permit.
- H. Operating Considerations:
- (1) Building and Grounds Maintenance—Upon completion of installation, the site shall be returned as close as possible to its natural state. Any damaged. Spare or unused parts, maintenance equipment, oil and all similar materials shall be removed from the premises within thirty (30) days or kept at a covered, on-site storage facility.
 - (2) Ownership Changes—If the ownership of a commercial SEPF operating under a special permit changes, the SEPF Permit shall remain in force and all conditions of the SEPF Permit will continue to be obligations of succeeding owners. The Town Clerk shall be notified and the ownership change registered with the Town. All signs required under provisions of this Article shall be changed accordingly.
 - (3) Modifications—Subject to all of the applicable sections herein, any and all substantial modifications, additions, or changes to a SEPF authorized to operate under this Article, whether structural or not, shall be made by application to the Board except where modification is required for routine maintenance and repairs which become necessary in the normal course of use of such SEPF or become necessary as a result of natural forces, such as wind or ice. Additionally, any modification resulting in significant modifications to the public health, safety, welfare, environment, of the Town or the visual or sound impacts of the project, must be reviewed and approved by the Town Planning Board.
- I. Certifications.
- (1) Post-Installation—If any report supplied to the Town pursuant to the PCMC Plan indicates non-compliance with the requirements of this local law or unanticipated negative impacts, such report shall also be accompanied by a mitigation and minimization plan ("MM Plan") to bring the SEPF into compliance as soon as possible but in any case not longer than 120 days. The Applicant shall reimburse the Town for all reasonable expenses incurred, including professional fees and costs, to monitor, review, evaluate and advise the Town on the PCMC Plan, each MM Plan and the Applicant's post-construction compliance in general. Such reimbursement shall be made within 30 days of Applicant's receipt of an invoice for such costs and expenses from the Town.
 - (2) National and State Standards—The applicant shall show that all applicable manufacturers, New York State and US standards for the construction, operation, and maintenance of the proposed SEPF, including applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI), have been met or are being complied with. The applicant shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York, that such SEPF is in compliance with such standards.
 - (3) Insurance/Liability—Prior to the commencement of construction of the SEPF, the Applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of public liability insurance, of a level to be determined by the Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure of an SEPF or any other part(s) of the generation or transmission facility. The public liability insurance policy shall specifically include the Town and its

officers, boards, employees, committee members, attorneys, agents, and consultants as additionally named insured (using endorsement #CG2026), with coverage of at least \$2,000,000 per occurrence/\$4,000,000 aggregate (\$5,000,000 and \$10,000,000, respectively, for an SEPF subject to Article 10 of the Public Service Law).

- (4) Continuing Obligations—All requirements detailed in Section 6 shall remain in force for the life of the SEPF Permit.

Section 7. Abandonment

- A. All applications for a SEPF shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the SEPF. Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a letter of credit or other suitable financial guarantee, as determined by the Town, in a face amount of not less than 120% of the estimated cost of complete decommissioning and removal to ensure proper, safe removal of the facility and related structures in accordance with the decommissioning plan described below. The Applicant shall provide detail as to how said estimate was determined. Such guarantee shall not factor in salvage value of the facility materials. The form of the guarantee must be reviewed and approved by the Town Attorney, and the guarantee must remain in effect until the system is fully removed and final inspection is completed by the Town or its designee. Prior to removal of a SEPF, a demolition permit for removal activities shall be obtained from the Town or its designee. Costs determined by a third party New York State Engineer to be updated every 5 years.
- (1) The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition, which plan shall be implemented without delay if: (1) the Applicant ceases operation of the SEPF for a period of 18 months, (2) begins but does not complete construction of the project within 18 months after receiving final special permit approval, or (3) the special permit for the SEPF expires or is not renewed. The plan shall include but not be limited to the following:
- (a) Removal of aboveground and below ground equipment, structures, and foundations. SEPF removal shall include removal of all aboveground equipment, and removal of foundations to a depth of four (4.0) feet below grade. Below ground accessory facilities, such as collection lines, are not required to be removed, unless otherwise required by applicable law. In addition, access roads may be left in place if written consent is received by the Town from the landowner and the landowner agrees to properly maintain all storm water management, run-off and erosion controls. However, all SEPF equipment or materials or accessory facilities installed underground must be fully removed and the land reclaimed where such equipment or materials will (i) interfere with or prevent continued compliance by the landowner with any Environmental Laws, (ii) give rise to any liability to the Town or the landowner under any Environmental Laws, or (iii) form the basis of any claim, action, suit, proceeding, hearing or investigation under any Environmental Laws.
 - (b) Restoration of the surface grade and soil after removal of equipment.
 - (c) Revegetation of restored soil areas with native seed mixes, excluding any invasive species, with preference given to the landowner where possible.
 - (d) The results of soil tests showing that no contamination has occurred due to the presence of SEPFs.
 - (e) The plan shall include a reasonable time frame for the completion of site restoration work.

- (f) Proper and lawful disposal of solar panels.
- (2) In the event that construction of the SEPF has been started but is not completed and functioning within 18 months of the issuance of the final SEPF Permit approval, the Town may notify the applicant, operator and/or the owner to complete construction and installation of the facility within 90 days. If the applicant, owner, and/or operator fails to perform, the Town may notify the applicant, owner, and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of such notification by the town.
- (3) Upon cessation of activity of a fully constructed SEPF for a period of 18 months, the Town may notify the applicant, owner, and/or operator of the facility to implement the decommissioning plan. Within 120 days of notice being served, the applicant, owner, and/or operator shall either restore normal, active operation of the SEPF, or implement the decommissioning plan which must then be fully complete within 12 months of the beginning of its implementation.
- (4) Upon revocation, termination or non-renewal of the special permit for a SEPF, the applicant, owner, and/or operator must fully complete the decommissioning plan.
- (5) If the applicant, owner, and/or operator fails to fully implement the decommissioning plan within the 12 month time period (or 180 days), in the case of (A)(2) above and restore the site as required, the Town may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may, in accordance with the law, recover all expenses incurred for such activities from the letter of credit or other financial guarantee and from the defaulted applicant, owner, and/or operator. Any cost incurred by the Town which has not been fully paid by the applicant, owner, and/or operator shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes and be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

Article IV. Separability.

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Article V. Repealer.

All ordinances, Local Laws, and parts thereof inconsistent with this Local Law are hereby repealed.

Article VI. Effective Date.

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