

**§ 124-1. Title.**

This chapter shall be known and may be cited as the "Green Energy Law of the Village of Sodus Point, New York."

**§ 124-2. General Intent.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize damage or obstruction of historic areas, views and or other protected amenities of the Village.

**§ 124-3. Definitions and word usage.**

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action. The phrase "used for" includes "arranged for" and "occupied for," "maintained for," "intended for" and "designed for."

GREEN ENERGY – Energy from natural sources such as sunlight, wind, rain, tides, plants, algae and geothermal heat or others not mentioned herein but are classified as renewable sources.

SOLAR POWER - Power obtained by harnessing the energy of the sun's rays.

WIND TURBINE – A turbine having a large vaned wheel rotated by the wind to generate electricity.

**§ 124-4. Permit.**

It is hereby stated that all forms of green energy equipment shall need a permit prior to the placement or use of said energy sources.

**§ 124-5. Wind Turbine.**

Wind turbines are hereby recognized as a renewable source of energy and no person shall operate, install, or permit the use thereof without first receiving a permit from the Code Enforcement Officer. The following will be the requirements hereby enacted to appropriate the permitting of such turbines;

- A. The number of wind turbines on a property shall be limited to the onsite energy consumption of the property.
- B. No wind turbine shall be permitted within areas zoned waterfront commercial or waterfront residential in the effort to maintain the natural landscape and protect the view scopes of the Village.
- C. Installers must be recognized by NYSERDA of who maintains a list of program eligible installers, which depend on education, training and experience.
- D. All wind turbine application shall go before the Planning Board to assure consistency to the LWRP or other applicable statutes used to maintain the integrity of the Village.

## E. Site Plan:

1. If applicable all towers shall be placed in the rear of the property to assure the least impact on neighborhood.
2. Guy wires and anchors must meet the setbacks as listed in § 190-11 and at no time may a wire be permitted any closer than 10 feet from a property line. All wires must clearly marked with reflective signage to assure safety.
3. If applicable neutral colors shall be used to assure tranquility and effective camouflage to ensure the natural state of the area.
4. Minimum set back from property lines, public roads, power lines, and any preexisting and or future structures by a distance at least equal to the height of the tower plus the blade length plus 25 feet. The Planning Board may require additional setbacks in consideration to public safety and or future developments. The Zoning Board may waive setback requirements from adjacent properties if the property owner agrees to grant an easement binding on the current and future owners of said property.
5. An emergency telephone number shall be posted on a visible part of the sight, on a permanent structure, so that persons may contact the appropriate parties in the event of an emergency to which the turbine may require immediate attention. The telephone number must be located outside the fall zone of the tower and in a place that would be easily noticeable. Placement shall be subject to change based on Code Enforcement Officers request.

- F. The wind turbine design shall not be readily climbable by the public for a minimum height of 15 feet from the ground to assure safety.

**§ 124-6. Solar panels.**

Solar panels shall require a permit prior to installation and will be considered legal under the guidelines listed herein:

- A. Ground mounted solar panels will be considered accessory structures and must meet the setbacks for the zoning of the property as listed in § 190-11.
- B. If a ground mounted solar collector ceases to function or is abandoned for more than 60 consecutive days, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after notification from the Code Enforcement Officer.

**§ 124-8. Fees.**

The Village Board shall establish by resolution, a fee to be charged for the procurement of a Green Energy permit which fee may be changed from time to time by resolution of the Village Board.

**§ 124-9. Violation.**

- A. Any person, firm or corporation who violates any provision of this chapter shall be subject to a fine of not less than \$50.00 nor more than \$100.00. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue.
- B. The application of the above penalty or penalties or the prosecution of the violation of the provisions of this chapter shall not be held to prevent the forced removal of the conditions prohibited by this chapter. When a violation of any of the provisions of this chapter is continuous, each 24 hours thereof shall constitute a separate and distinct violation.

- C. The code enforcement officer for the Village of Sodus Point or his designated agent shall have the authority to enforce this chapter.