

TOWN OF DRYDEN

LOCAL LAW NO. 1 FOR THE YEAR 2024

**A LOCAL LAW CREATING A NEW CHAPTER 225
ENTITLED “SOLAR ENERGY SYSTEMS PILOT LAW”**

Be it enacted by the Town Board of the Town of Dryden as follows:

ARTICLE 1: GENERAL PROVISIONS

Section 225-1. Title.

This Local Law shall be referred to as Local Law No. 1-2024, entitled “Solar Energy Systems PILOT Law”

Section 225-2. Authority.

This chapter is intended to be consistent with and is enacted by the Town Board of the Town of Dryden pursuant to its authority to adopt laws under the New York State Constitution, the New York State Municipal Home Rule Law, the New York State Town Law, and the New York Real Property Tax Law. It is intended and hereby declared to address matters of local concern only and is intended to act in furtherance of the Town's authority with respect to zoning and land use laws and its police and taxation powers, related to solar energy systems.

Section 225-3. Statement of Purpose.

This chapter is adopted to ensure that the benefits of the community's solar energy resource are available to the entire community, by promoting the installation of solar energy generating equipment through a payment in lieu of taxes (PILOT), granting reduced costs to system developers and energy consumers, and providing a revenue stream to the entire community.

Section 225-4. Conflict with Other Laws.

Where this Local Law differs or conflicts with other laws, rules and regulations the more restrictive applicable law, rule or regulation shall apply. This section shall be inapplicable where County, State or Federal Law preempts the application of a more restrictive law, rule or regulation, include the provisions contained in this Local Law.

ARTICLE 2: SOLAR ENERGY SYSTEMS PILOT AGREEMENTS

Section 225-5. Word Usage and Definitions.

For the purposes of this Local Law, and where not inconsistent with the context of a particular section, the terms, phrases, words, abbreviations and their derivations defined below shall have the meaning given in this Article. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number. The word “shall” is always mandatory and not merely directory.

ANNUAL PAYMENT

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

ANNUAL PAYMENT DATE

January 1 of each year.

BUILDING INTEGRATED SOLAR ENERGY SYSTEM

A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

CAPACITY

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

COMMERCIAL SOLAR ENERGY SYSTEM

A solar energy system that primarily produces energy that is fed directly into the grid primarily for off-site sale or consumption, or any solar energy system with a nameplate generating capacity of 200 kilowatts or more. Commercial solar energy systems include building-integrated, roof-mounted and ground-mounted solar energy systems that meet or exceed the above-stated nameplate generating capacity.

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 for the primary purpose of producing electricity.

HOST COMMUNITY AGREEMENT

A contract between a Commercial Solar Energy System owner/developer and the Town, whereby such owner/developer agrees to provide the community with certain benefits and mitigate specified impacts of the solar project.

NON-COMMERCIAL SOLAR ENERGY SYSTEM

A solar energy system with a nameplate generating capacity of less than 200 kilowatts that is incidental and subordinate to another use on the same parcel and which primarily produces energy for on-site consumption. Non-commercial solar energy systems include building-integrated, roof-mounted and ground-mounted solar energy systems that do not meet or exceed the above-stated nameplate generating capacity.

OWNER

The owner of 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.

PHOTOVOLTAIC SYSTEMS

A solar energy production system that produces electricity by the use of semiconductor devices, i.e., photovoltaic cells that generate electricity when light strikes them.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT

Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduits of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM

All components and subsystems required to convert solar energy into electric energy suitable for use. This term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land and/or structures inside the perimeter of the solar energy system, which extends to any interconnection equipment.

Section 225-6. PILOT required.

- A. The owner of a property 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 of Dryden consistent with the terms of this chapter, except for
 - (1) Non-Commercial Solar Energy Systems.
 - (2) Solar energy systems 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. Pursuant to Real Property Tax Law § 487(9)(b), the Town of Dryden hereby expresses its ongoing intent to require a contract for PILOT for such solar energy systems, and this chapter shall be considered notification to owners or developers of such systems and no further action is required on the part of the Town of Dryden with respect to the notification requirements by the Town of Dryden as set forth in Real Property Tax Law § 487(9)(a).
- D. Nothing in this chapter 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.
- E. Nothing in this chapter shall act to prohibit the Town of Dryden from also requiring a Host Community Agreement, in accordance with its authority otherwise granted by state and local

law.

Section 225-7. Contents of PILOT agreements.

Each PILOT agreement entered into shall include:

- A. Name and contact information of the owner or other party authorized to act upon behalf of the owner of the solar energy system.
- B. The tax identification number for each parcel or portion of a parcel on which the solar energy system will be located.
- C. A requirement for not more than 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.
- D. The capacity of the solar energy system, and that if the capacity is increased or decreased as a result 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.
- E. That the parties agree that under the authority of Real Property Tax Law § 487 the solar energy system shall be considered exempt from real property taxes for the fifteen-year life of the PILOT agreement.
- F. That the PILOT agreement may not be assigned without the prior written consent of the Town of Dryden, 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 of Dryden 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.
- G. That a notice of this agreement may be recorded by the owner at its expense, and that the Town of Dryden shall cooperate in the execution of any notices or assignments with the owner and its successors.
- H. That the Town of Dryden Town Board may establish by resolution the payment amount and terms of PILOT agreements by developers of solar energy systems with the Town of Dryden or may delegate to the Tompkins County Industrial Development Agency the authority to negotiate such agreements on behalf of the Town of Dryden.
- I. That if the annual payment is not paid when due, that upon failure to cure within 30 days, the Town of Dryden 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

Section 225-8. Severability.

If any provision, clause, sentence, subsection, word or part of this Local Law 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 this Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 225-9. Repealer.

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

Section 225-10. 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.