

**LOCAL LAW # 1 OF 2019 OF THE VILLAGE OF AURORA TO AMEND
ITS ZONING LAW IN ORDER TO REGULATE THE DEVELOPMENT AND
OPERATION OF SOLAR ENERGY SYSTEMS IN THE VILLAGE OF AURORA**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF AURORA AS FOLLOWS:

The Village of Aurora Zoning Law (Local Law #1 -2018)(“Zoning Law”) is hereby amended to add a new Section 409 therein entitled and designated as “Regulation of Solar Energy Systems”, as follows:

SECTION 409

Section 409. REGULATION OF SOLAR ENERGY SYSTEMS

A. Definitions applicable to this Section

ACCESSORY STRUCTURE OR USE: An accessory structure or use shall be defined as a structure or use that is incidental or secondary to a principal structure or use and is located on the same lot with the principal structure or use.

ARRAY: Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM:

A solar photovoltaic energy system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

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.

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 for onsite or offsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM:

A Solar Energy System that produces over 25 Kilowatts (kW) per hour of energy which primarily serves buildings or structures to which the system is not attached. Large Scale

Solar Energy Systems shall not exceed twenty (20) acres in size, excluding any easement for accessing the parcel.

PROJECT DEVELOPER: Person or firm tasked with moving the solar project to a successful completion.

QUALIFIED SOLAR INSTALLER: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Village determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

REMOTE NET METERING: The billing process by the utility company(ies) that allows solar photovoltaic owner/generator to apply excess generation credits from the generator system ("Host Account") to other meters on property that is owned or leased by the same customer and are within the same load zone as the generator ("Satellites").

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.

SITE DEVELOPER: Person or firm implementing all improvements needed for a site before construction may begin.

SMALL-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that does not produce more than 25kw per hour of energy and serves primarily the buildings or structures on the lot upon which the system is located. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net metering" arrangement made in accordance with New York Public Service Law (Section 66-j) or similar state or federal statute.

SOLAR ENERGY EQUIPMENT: The assembly of electrical devices, material, hardware, equipment and conduit associated with the production of electrical energy which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use and includes but is not limited to Solar Panels and Solar Energy Equipment.

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

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

TRACKING SYSTEM: A number of photovoltaic modules mounted in such a way that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

VILLAGE: The Village of Aurora.

B. Applicability and Rules

1. The requirements of this section shall apply to all Solar Energy Systems permitted, installed, or modified within the Village. No solar energy system or device shall be installed or operated in the Village of Aurora except in compliance with this section. Solar panels and related equipment shall be designed and located in a manner that will prevent reflective glare toward any inhabited buildings and adjacent properties and roads.

2. All Solar Panel and Solar Energy System installations must be performed in accordance with applicable electrical and building codes, including without limitation, the NYS Fire Prevention and Building Code (“Building Code”) and the NYS Energy Conservation Code (“Energy Code”); as well as the manufacturer’s installation instructions, and industry standards. Prior to operation, the electrical connections must be inspected by the Code Enforcement Officer or by an appropriate electrical inspection person or agency as determined by the Village. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

3. All Solar Energy Systems shall comply with the zoning and permitting requirements set forth herein, including obtaining a Certificate of Appropriateness from the Village Community Preservation Panel (“CPP”), site plan review and approval from the Village Planning Board, and a Special Use Permit from the Village Planning Board, as may be necessary and/or appropriate hereunder.

4. All Solar Energy Systems must be installed by a Qualified Solar Installer as defined under this section.

5. To the extent practicable, the Village Code Enforcement Officer shall implement the “Guidelines for Agricultural Mitigation for Solar Energy Projects” issued by the New York State Department of Agriculture and Markets for any Solar Energy System which is to be located on or adjacent to property being actively used for agricultural purposes.

6. Any upgrade or structural change that alters the size or placement of an existing solar system or that triggers NYS code compliance shall comply with the provisions of this law.

C. Roof-Mounted Solar Energy Systems

1. Roof-Mounted Solar Energy Systems that generate electricity for onsite consumption are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

2. Height.

(a) Roof-Mounted Solar Energy Systems shall not be subject to the maximum height restrictions of the zoning district within which they are located; provided that

- i. Solar 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.
- ii. For solar panels installed on a flat roof, the highest point of the panel shall not exceed 24 inches above the flat surface of the roof.

3. Glare: All Solar Panels shall have anti-reflective coating(s).

4. Roof-Mounted Solar Energy Systems shall require a building permit or a unified permit; and are subject to site plan and CPP review and approval in the same manner as a Small-Scale Solar System.

5. Roof-Mounted Solar Energy Systems mounted on properties located in the historic district shall not be visible from the public right-of-way (excluding Cayuga Lake) within a 200-foot radius of the property, at a level of 5 (five) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge or utilizing similar design features to obscure the visibility of the solar panels.

D. Small-Scale Solar Energy Systems

1. Small-Scale Solar Energy Systems are permitted as accessory structures in all districts subject to the following:
 - (a) A building permit or unified permit shall be required.
 - (b) A Certificate of Appropriateness from the CPP and site plan approval from the Village Planning Board.

(c) Small-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district where the System is located.

(d) Small-Scale Solar Energy Systems shall not exceed the maximum building coverage allowed in the zone (Section 503) where the System is located. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.

(e) Small-Scale Solar Energy Systems shall not be visible from any public right-of-way (excluding Cayuga Lake) and shall be screened through the use of architectural features, earth berms, landscaping, buffering, or other screening that will harmonize with the character of the property and surrounding area.

(f) All Solar Panels shall have anti-reflective coating(s).

(g) Small-Scale Solar Energy Systems shall be subject to site plan review including a review of the adequacy, location, arrangement, size, design and general site compatibility.

(h) The height of the solar collector and any mounts shall not exceed five (5) feet when oriented at maximum tilt.

(i) When storage batteries are included as part of the Small-Scale Solar Energy Systems, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Cayuga County and other applicable local, state and federal laws and regulations.

2. Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Planning Board:

(a) A site plan showing:

(1) Property lines and physical features for the project site;

(2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

(3) Blueprints or drawings from the Qualified Solar Installer of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

(4) Documentation of the major system components to be used, including the panels, mounting system, and inverter;

- (5) Name, address, and contact information for proposed system installer;
- (6) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners;
- (7) The name, contact information and signature of any agents representing the project proponent; and
- (8) Zoning district designation for the parcel(s) of land comprising the project site.
- (9) Proof that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- (10) A list of all current property abutters.
- (11) Proof that all real property taxes and assessments are fully paid.

E. Large-Scale Solar Energy Systems

- 1. Large Scale Solar Energy Systems shall be permitted only in the Village Institutional Zone. Only one large-scale solar array shall be permitted in the Village institutional zone.
- 2. Prior to the construction and installation of a Large-Scale Solar Energy System, applicants must obtain a Certificate of Appropriateness from the CPP, Special Use Permit approval and site plan review and approval from the Village Planning Board. Applications for Large-Scale Solar Energy Systems shall be reviewed by the Code Enforcement Officer and forwarded, with comments, to the Village Planning Board and CPP for review and action, which may include approval, approval with conditions, or denial.
- 3. Special Use Permit Application Requirements. For a Special Use Permit application, the site plan application is to be used as supplemented with the following information.
 - (a) If the property where the System is to be located is leased, the applicant shall provide copies of the lease, any applicable easements, and related documents specifying the use(s) of the property and demonstrating consent by all parties for the duration of the project.
 - (b) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.

(c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, storage batteries and inverters that are to be installed.

(d) A copy of the agreement with the proposed purchaser to purchase the electrical power generated by the Large-Scale Solar Energy System shall be provided to the Planning Board and shall be a condition to obtaining final approval of the Special Use Permit.

(e) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section.

(1) The Decommissioning Plan must specify that in the event that the Large-Scale Solar Collection System is either abandoned or ceases its activities, it shall be removed by the applicant or any subsequent owner.

(2) The site developer shall supply a surety bond to the Village in compliance with the application requirements set forth in section K, below, prior to permits being issued for any Solar Energy Project. The bond shall be in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned.

(3) The plan shall ensure that the site will be restored to a useful, nonhazardous condition within the time frames described in the plan, including without limitation:

- i. Removal of all infrastructure, equipment and structures both above ground and below ground;
- ii. Restoration of surface grade;
- iii. Remediation of soil and vegetation to return the parcel to its original state prior to construction.

(4) The plan shall include an expected timeline for execution (not to exceed 180 days) as well as a cost estimate detailing the projected cost of executing the Decommissioning Plan prepared by a Professional Engineer or Contractor. Cost estimates shall take into account inflation.

(5) The project developer shall obtain a surety in such amounts as are set forth by the Village, pursuant to section K, below, as a condition of obtaining a permit. The bond shall remain in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned.

(f) Property Operation and Maintenance Plan. A property operation and maintenance plan is required, detailing continuing photovoltaic maintenance and

property upkeep including, but not limited to: regular inspection and repair of all site equipment including transformers, inverters, conduit, combiner boxes and solar panels, routine inspection/evaluation of items such as perimeter fence damage, ground erosion, vegetation overgrowth, damage resulting from drainage, vandalism, animal nuisance, and natural damage occurring to panels from hail, wind, etc.

(g) Landscape Buffering and screening is required as follows: (i) Applicant and/or landowner shall at all times protect and maintain existing and planted trees, as approved, and vegetation buffers; and (ii) Applicant and landowner shall locate, relocate and/or plant coniferous trees as included and indicated upon the site plan and/or landscape plan prior to and as a condition of the issuance of any Certificate of Compliance or Certificate of Occupancy for any building.

(h) All existing or required vegetative buffers shall be maintained as healthy and natural, non-invasive vegetation designed to provide both visual and sound buffering. Emphasis shall be placed upon solid cover barriers, such as hedges and offset rows of evergreen trees, or densely placed deciduous trees with variable heights and interspersed with evergreens or other plants as provided for such cover. Buffers shall be properly maintained and any dead, diseased, or dying trees or plants shall be promptly replaced, and any tree or plants that, whether singularly or in combination, due to lack of growth, death, recession, disease, or other cause, cease to function as buffers shall be replaced in a manner as promotes the goal of such buffer as stated in the site plan.

F. Special Use Permit Standards

1. Height and Setback Requirements.

(a) Ground-Mounted Solar Panels in a Large-Scale Solar System shall not exceed ten feet (10') in height above ground level.

(b) The minimum setback from side and rear boundary lines shall be fifty feet (50').

(c) All Large-Scale Solar Systems must be located at least 500' from a Scenic Byway and 200' from a public way, including Cayuga Lake.

2. All Solar Panels shall have anti-reflective coating(s).

3. A landscaped buffer shall be provided around the perimeter of all equipment and solar collector devices to provide screening from adjacent properties and public highways.

4. The Village Planning Board may impose conditions on its approval of any Special Use Permit under this Section in order to enforce the standards referred to in this Local Law or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

5. Large-Scale Solar Energy Systems may be constructed in phases upon approval of the Planning Board at the time of site plan review. The site plan must be amended if the scope of the project changes.

G. Design Standards

1. Removal of trees shall be minimized or offset with equivalent planting elsewhere on the property, as approved by the Village Planning Board.

2. Roadways within the property where the Solar Energy System is located shall be constructed of permeable materials.

3. To the fullest extent practicable, all utility lines within the property shall be placed underground.

4. Large-Scale Solar Energy Systems shall be designed and located in such a manner as to prevent reflective glare emanating toward an inhabited building on adjacent properties or toward nearby roads.

5. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties such that no lighting spillage occurs onto abutting properties or roadways.

6. A Large-Scale Energy System, including all of its components, shall be enclosed by fencing at least six feet (6') in height with self-locking gate to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Village Planning Board to ensure conformity with Village surroundings and character. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts. Barbed wire shall not be utilized.

7. Ground mounted systems must include a screening & landscaping plan showing adequate measures to screen through landscaping, grading or other means so that the solar panels and other equipment are not visible from any public right-of-way (including Cayuga Lake) and neighboring residential properties. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, and shall be approved by the Village Planning Board and its engineering and/or landscaping consultants.

H. Signage

1. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said

information shall be depicted within an area no more than thirty-six (36) square inches in size.

2. As required by National Electric Code (NEC), disconnect and other emergency shutoff information will be clearly displayed on a light reflective surface.
3. 24-hour emergency contact information will be clearly displayed.
4. Systems and sites may not be used for displaying advertising except for reasonable identification of the owner/operator and shall comply with all signage restrictions.
5. All pad mounted transformers and substations shall be clearly marked with warning signs.

I. Inspection, Safety and Removal

1. The Village reserves the right to inspect a solar PV system for building or fire code compliance and safety with 24-hour notification to the property owner or owner-operator of the system.
2. In the event the solar power facility is not completed and functioning within 18 months of the issuance of the initial building permit, the Village may notify the operator and/or owner to complete construction and installation of the facility within 180 days of the date of notification. If the owner and/or operator fails to perform, the Village may notify the owner and/or operator to implement the decommissioning plan.
3. If upon inspection the Village determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Village may order the property owner to repair or remove the system within a reasonable time as determined by the code enforcement officer. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found.

J. Abandonment and Decommissioning

1. After approval, and becoming operational, Large-Scale Solar Energy Systems that have not been generating electricity for a period of one year or more shall be deemed abandoned and must be removed from the property. Applications for extensions may be made to the Village Planning Board, which, in its sole discretion, may grant an extension not to exceed an additional six (6) months.

K. Decommissioning

1. Small-Scale Solar Energy Systems shall be removed, at the owner's or operator's expense, within 180 days of determination by the Village Code Enforcement Officer that the system is no longer being maintained in an operable state of good repair or no longer supplying solar power. Such an order shall be in writing, shall offer the option to rectify, shall set forth a deadline by which such removal and/or plan implementation may be

performed by a designated governmental agency or contractor, and shall notify the property owner of his or her right to appeal such determination.

- (a) The owner/operator shall provide a detailed timeframe for the completion of the site restoration work.
- (b) Removal shall include solar collectors, cabling, electrical components, accessory structures, and any associated facilities below grade.
- (c) Disturbed earth shall be graded and reseeded after removal of equipment.
- (d) Re-vegetation of restored soil areas shall contain native seed mixes, excluding any invasive species.
- (e) If a property owner fails to repair or remove a solar PV system as ordered, the Village may enter the property, remove the system and charge the property owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the property owner's expense. The Village's entry onto such premises shall be pursuant to an agreement between the Village and landowner. If no agreement exists or can be obtained in a timely manner, the Village may seek a warrant from a court of competent jurisdiction for access to the premises and/or may seek a court order requiring or authorizing all actions reasonably necessary to remove the facility and/or implement the decommissioning plan, with the costs of such actions the sole responsibility of the violator.
- (f) The Village shall present the landowner with a bill for all costs and expenses incurred by the Village in connection with the solar power facility removal and/or decommissioning plan implementation. If the landowner shall fail to pay such costs and expenses within fifteen (15) days after the demand for same, or within thirty (30) days of the final decision on any administrative or judicial contest the landowner may pursue, then such unpaid costs, expenses, and interest (at the statutory interest rate for money judgments in New York State courts) incurred from the date of the system removal and/or completion of the decommissioning plan shall constitute a lien upon the land on which such removal was undertaken. A legal action or proceeding may be brought to collect such costs, expenses, interest, and recoverable attorney's fees, or to foreclose such lien. As an alternative to the maintenance of any such action, the Village may file a certificate with the Cayuga County Department of Assessment stating the costs and expenses incurred and interest accruing as aforesaid, together with a statement identifying the property and landowner. The Cayuga County Department of Assessment shall, in the preparation of the next assessment roll, assess such unpaid costs, expenses, and interest upon such property. Such amount shall be included as a special ad valorem levy against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by the law for collection and enforcement of real

property taxes in the Village of Aurora. The assessment of such costs, expenses, and interest shall be effective even if the property would otherwise be exempt from real estate taxation.

(g) In addition to any other available remedies, any unpaid costs resulting from the Village's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the real property against which the costs were charged. Legal counsel of the Village shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due, plus attorney's fees and costs incurred by the Village in connection with the removal work and the filing of the Village's claim.

(h) The remedies set forth in this section of the Village of Aurora Zoning Law are cumulative and not exclusive and shall be deemed in addition to any other remedy or remedies provided for in law or equity or in this law. The exercise of one remedy shall not preclude the exercise of any other remedy that may be available to the Village to enforce the terms of this law.

2. Large-Scale Solar Energy Systems shall be removed, at the owner's or operator's expense, within 180 days of determination by the Village Code Enforcement Officer that the system is no longer being maintained in an operable state of good repair or no longer supplying solar power. Such an order shall be in writing, and shall require the system decommissioning be completed in accordance with the approved Decommission Plan. The order shall offer the option to rectify, shall set forth a deadline by which such removal and/or plan implementation may be performed by a designated governmental agency or contractor, and shall notify the property owner of his/her/its right to appeal such determination.

(a) To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special Use Permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is no longer being used and/or can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

(b) Financial surety shall be required as part of any Decommissioning Plan and shall be in the form of a surety, through escrow, bond, or the equivalency thereof, and shall be established prior to the commencement of any construction in

furtherance of the proposed solar project and in such amounts as are deemed sufficient by the Village to cover the cost of decommissioning the site.

(c) The amount of the surety required by the Village shall not exceed One Hundred Twenty-five percent (125%) of the entire cost of completely decommissioning the site, exclusive of inflationary costs.

L. Non-conformance

1. Roof-mounted Solar Energy Systems:

(a) If a Roof-mounted Solar Energy System is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the Roof-mounted system shall be permitted, so long as the Roof-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this section.

(b) If a Roof-mounted Solar Energy System is to be installed on a building or structure on a non-conforming property that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a Roof-mounted Solar Energy System shall be permitted, so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this section.

2. Ground-mounted systems:

(a) If a ground-mounted system is to be installed on a property containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the property.

(b) If a ground-mounted solar energy system is to be installed on a property that is non-conforming because it violates zoning district requirements other than setbacks, then a Special Use Permit must be obtained for the proposed installation.

M. Enforcement.

1. Any violation of this Solar Energy Law shall be deemed a zoning violation and shall be subject to the same civil and criminal penalties as provided in [Section No.1202] of the Village of Aurora Zoning Law (Local Law #1 – 2018).

N. Severability

1. If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, it is the intent of the Board of Trustees of the Village of Aurora that the court's order or judgment shall not affect, impair,

or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered; and that the balance of this section shall remain in full force and effect notwithstanding such court order or judgment.