

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Carthage _____

Local Law No. 1 of the year 2024

A local law Revisions to Code Permitting Process Law
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Carthage _____ as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 24 of the (County)(City)(Town)(Village) of Carthage was duly passed by the Village Board on June 17 20 24, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 , in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer)*~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.~~

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 17, 2024

(Seal)

VILLAGE OF CARTHAGE, LOCAL LAW NO. 1 OF 2024

Section 1. Title. This local law shall be entitled the “Revisions to Code Permitting Process Law of the Village of Carthage, New York”.

Section 2. Authority. The purpose of this local law is to protect the public health, welfare and safety of Village residents by updating language in the Village code to reflect recent changes to the zoning permitting process in the Village that are resulting from changes to Chapter 50 of the Village Code and the County’s imminent assumption of code enforcement responsibility within the Village.

Section 3. Enactment. The following sections of the Village Code are hereby amended in their entireties to state as follows:

§ 110-12 Zoning permits; approved wastewater disposal.

No property owner, builder or developer shall be issued a zoning permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this chapter, is available. All housing construction or building development which takes place after this chapter is enacted shall provide for an approved system of sanitary sewers.

§ 146-6 Residential districts.

In all residential districts (R-1, R-2 and R-3), the following supplemental uses and regulations shall apply:

A. A nonconforming lot of record may be constructed upon, provided that the minimum requirements as set forth in Schedules I and II are followed.[1] Any deviation from the above requirements requires a variance. A permit is required for any proposed construction on such a lot, as set forth under this chapter.

B. The following sign regulations shall apply:

- (1) No sign shall exceed eight square feet in area, except for church signs which may be 24 square feet in area.
- (2) Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and, as such, signs advertising such events shall fall under the requirements of this section. Such signs shall be removed at the end of the event by the sponsor of the event or the one who placed the sign.
- (3) Signs may be placed in required yards, provided that such placement does not interfere with traffic safety.
- (4) No sign shall be placed closer than five feet to a street line or lot line.
- (5) Mechanically moving and/or flashing signs shall not be permitted, unless required for public safety purposes as identified by a unit of government.
- (6) Floodlights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.
- (7) Any nonconforming sign existing in any residential district at the time of the adoption of this chapter or an amendment thereto shall only be replaced by a sign conforming to the regulations for this district.

(8) Any business, enterprise, institution or other advertising entity that ceases operations shall remove its sign(s) within 90 days of such cessation.

(9) Only one permanent sign per lot or use may be erected.

C. A private garage or other accessory structure that is connected to a dwelling or structure becomes a part of the principal building rather than an accessory building. A detached garage shall not be required to have a setback distance from the principal building. It shall only maintain required setbacks from adjacent lot and street lines. A garage cannot be erected in a required front yard.

D. Swimming pools may be located within a required side or rear yard. However, swimming pools shall:

(1) Not be located in a front yard.

(2) Not be closer than 50 feet to a front lot line, five feet to a side or rear lot line or 20 feet to any dwelling on adjoining lots.

(3) Have a barrier that is at least five feet tall around the entire structure at its lowest point. The barrier shall be constructed of such materials so as to prevent unauthorized entrance by children or other individuals.

E. Individually sited mobile homes must have a minimum of 980 square feet of interior floor area, excluding any addition, and shall be placed on a concrete pad or on a concrete block foundation and shall be skirted with an all-weather material around the entire carriage base.

F. Fences shall meet the following requirements:

(1) A zoning permit is required for the erection of any fence or wall.

(2) Application for a permit shall include a plan or sketch showing the proposed location, materials to be used and height.

(3) No fence or wall shall be more than six feet in height in rear or side yards or more than 48 inches in front yards.

(4) A fence or wall shall be located at least six inches from any adjoining property lines and at least three feet from any sidewalk or street line.

(5) No fence or wall shall be located within any public right-of-way.

(6) Fences and walls of the following types or materials are prohibited:

(a) Barbed wire.

(b) Sharp, pointed fences.

(c) Canvas or cloth.

(d) Electrically charged fences.

(7) Chain-link fences are permitted, but must be erected with the closed loops at the top.

(8) Multicolored fences and walls are not permitted.

(9) Entrances and/or gates shall not open outward so as to restrict or interfere with sidewalks.

(10) Shrubbery and hedges utilized for the purpose of a fence/wall, such as to enclose, divide, protect or create a barrier on or to property shall meet all of the requirements of this section, except that a zoning permit is not required.

§ 146-7 Building districts.

In the Business District (B), the following supplemental uses and regulations shall apply:

A. A nonconforming lot of record may be constructed upon, provided that the minimum requirements as set forth in Schedules I and II are followed. Any deviation from the above requirements requires a variance. A permit is required for any proposed construction on such a lot, as set forth under this chapter.

B. The following sign regulations shall apply:

(1) Signs which are freestanding, not attached to or a part of another structure, shall not exceed 20 feet in height or 24 square feet in area.

(2) Signs which are a part of or attached flush to the surface of another structure shall not exceed the height of the structure or project beyond the roofline of the structure and shall not exceed in area one square foot in area for each one linear foot of the surface on which the sign is located.

(3) Signs which are attached to another structure and project out from that structure over the sidewalk are not permitted, shall not exceed 15 feet in height or 24 square feet in area and shall be flush not to exceed 12 inches.

(4) Mechanically moving and/or flashing signs are not permitted unless required for public safety purposes by a unit of government.

(5) Floodlights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.

(6) Signs may be placed in required yards but shall not be located closer than 10 feet to any street or lot line.

(7) Any business, enterprise, institution or other advertising entity that ceases operations shall remove its signs within 90 days of such cessation.

(8) Any nonconforming sign existing in the B District at the time of the adoption of this chapter, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this district.

(9) Signs located on residential property within the Business District shall conform to the sign regulations of § 146-6 (residential district regulations).

C. A private garage or other accessory structure that is connected to a dwelling or structure becomes part of the principal building rather than an accessory building. A detached garage shall not be required to have a setback distance from the principal building. It shall only maintain required setbacks from adjacent lot and street lines. A garage shall not be placed in a required front yard.

D. Fences shall meet the following requirements:

(1) A zoning permit is required for the erection of any fence or wall.

(2) Application for a permit shall include a plan or sketch showing the proposed location, materials to be used and height.

(3) No fence or wall shall be more than five feet in height in rear or side yards or more than 42 inches in front yards.

(4) A fence or wall shall be located at least six inches from any adjoining property lines and at least three feet from any sidewalk or street line.

(5) No fence or wall shall be located within any public right-of-way.

(6) Fences and walls of the following types or materials are prohibited:

- (a) Barbed wire.
- (b) Sharp, pointed fences.
- (c) Canvas or cloth.
- (d) Electrically charged fences.

(7) Chain-link fences are permitted but must be erected with the closed loops at the top.

(8) Multicolored fences and walls are not permitted.

(9) Entrances and/or gates shall not open outward so as to restrict or interfere with sidewalks.

(10) Shrubbery and hedges utilized for the purpose of a fence/wall, such as to enclose, divide, protect or create a barrier on or to property, shall meet all of the requirements of this section, except that a zoning permit is not required.

(11) The finished side of the fence shall face the neighboring properties.

§ 146-27.1 Battery energy storage systems.

A. Authority. This battery energy storage system law is adopted pursuant to Article IX of the New York State Constitution, § 2(c)(6) and (10), New York Statute of Local Governments, § 10(1) and (7); § 7-700 through 7-704 of the Village Law of the State of New York, which authorize the Village of Carthage to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

B. Statement of purpose. This battery energy storage system law is adopted to advance and protect the public health, safety, welfare, and quality of life of the Village of Carthage by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- (1) To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- (2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- (3) To mitigate the impacts of battery energy storage systems on environmental resources, such as important agricultural lands, forests, wildlife and other protected resources; and
- (4) To create synergy between battery energy storage system development and other stated goals of the community pursuant to its Comprehensive Plan.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ANSI

American National Standards Institute.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM

An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 battery energy storage system as follows:

- (1) Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

(2) Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

BATTERY(IES)

A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

CELL

The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING

A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING

A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 for any successor group that may follow the future occupancy as defined by International Building Code, and complies with the following:

- (1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- (2) No other occupancy types are permitted in the building.
- (3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- (4) Administrative and support personnel are permitted in areas within the buildings that do not contain a battery energy storage system, provided the following:
 - (a) The areas do not occupy more than 10% of the building area of the story in which they are located.
 - (b) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE

The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL)

A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC

National Electric Code.

NFPA

National Fire Protection Association.

NON-DEDICATED-USE BUILDING

All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NONPARTICIPATING PROPERTY

Any property that is not a participating property.

NONPARTICIPATING RESIDENCE

Any residence located on nonparticipating property.

OCCUPIED COMMUNITY BUILDING

Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including, but not limited to, schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY

A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

D. Applicability.

(1) The requirements of this section shall apply to all battery energy storage systems permitted, installed, or modified in the Village of Carthage after the effective date of this section, excluding general maintenance and repair.

(2) Battery energy storage systems constructed or installed prior to the effective date of this section shall not be required to meet the requirements of this section.

(3) Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this section.

E. General requirements.

(1) A zoning permit and an electrical permit shall be required for installation of all battery energy storage systems.

(2) Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act, ECL Article 8, and its implementing regulations at 6 NYCRR Part 617 (SEQRA) or any additions thereto.

(3) All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures that 1) contain or are otherwise associated with a battery energy storage system and 2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Village of Carthage Code.

F. Permitting requirements for Tier 1 battery energy storage systems. Tier 1 battery energy storage systems shall be permitted in all zoning districts, subject to the Uniform Code and the "battery energy storage system permit," and exempt from site plan review.

G. Permitting requirements for Tier 2 battery energy storage systems. Tier 2 battery energy storage systems are permitted through the issuance of a special use permit within the industrial zoning districts and shall be subject to the Uniform Code and the site plan application requirements set forth in this section.

(1) Applications for the installation of a Tier 2 battery energy storage system shall be:

(a) Reviewed by the Code Enforcement and Zoning Officer for completeness. An application shall be complete when it addresses all matters listed in this section, including, but not necessarily limited to, i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and ii) matters relating to the proposed battery energy storage system and floodplain, utility lines and electrical circuitry, signage, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development, special use and development, ownership changes, safety, and permit time frame and abandonment. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

(b) Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Village of Carthage shall have a notice printed in a newspaper of general circulation in the Village of Carthage at least five days in advance of such hearing. Applicants shall have delivered the notice by first-class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.

(c) Referred to the County Planning Department pursuant to General Municipal Law § 239-m if required.

(d) Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The sixty-two-day period may be extended upon consent by both the Planning Board and applicant.

(2) Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including, without limitation, any poles, with new easements and right-of-way.

(3) Signage.

(a) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and twenty-four-hour emergency contact information, including reach-back phone number.

(b) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(4) Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(5) Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover, such as green grass, ivy, succulents, or similar plants used as ground covers, shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

(6) Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any nonparticipating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

(7) Decommissioning.

(a) Decommissioning plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

[1] A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

[2] Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

[3] The anticipated life of the battery energy storage system;

[4] The estimated decommissioning costs and how said estimate was determined;

[5] The method of ensuring that funds will be available for decommissioning and restoration;

[6] The method by which the decommissioning cost will be kept current;

[7] The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

[8] A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

(b) Decommissioning fund. The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the Village of Carthage, in a form approved by the Village of Carthage, for the removal of the battery energy storage system, in an amount to be determined by the Village of Carthage, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed financial institution. All costs of the financial security shall be borne by the applicant.

(8) Site plan application. For a Tier 2 battery energy storage system requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:

(a) Property lines and physical features, including roads, for the project site.

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

(c) A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(d) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of zoning permit.

(e) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of zoning permit.

(f) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

(g) Zoning district designation for the parcel(s) of land comprising the project site.

(h) Commissioning plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Zoning Officer prior to final inspection and approval and maintained at an approved on-site location.

(i) Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

(j) Operation and maintenance manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

(k) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

(l) Prior to the issuance of the zoning permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS licensed professional engineer.

(m) Emergency operations plan. 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. The emergency operations plan shall include the following information:

[1] Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

[2] Procedures for inspection and testing of associated alarms, interlocks, and controls.

[3] Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

[4] Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

[5] Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

[6] Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

[7] Other procedures as determined necessary by the Village of Carthage to provide for the safety of occupants, neighboring properties, and emergency responders.

[8] Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

(9) Special use permit standards.

(a) Setbacks. Tier 2 battery energy storage systems shall comply with the setback requirements of the underlying zoning district for principal structures.

(b) Height. Tier 2 battery energy storage systems shall comply with the building height limitations for principal structures of the underlying zoning district.

(c) Fencing requirements. Tier 2 battery energy storage systems, including all mechanical equipment, shall be enclosed by an eight-foot-high non-see-through fence with a self-locking

gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

(d) Screening and visibility. Tier 2 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

(10) Ownership changes. If the owner of the battery energy storage 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 of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Zoning Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Zoning Officer in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Zoning Officer in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this section.

H. Safety.

(1) System certification. Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 (standard for battery energy storage systems and equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

(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 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

(2) Site access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal, at a level acceptable to the local fire department and, if the Tier 2 battery energy storage system is located in an ambulance district, the local ambulance corps.

(3) Battery energy 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.

I. Permit time frame and abandonment.

(1) The special use permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a zoning permit is issued for construction and/or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 24 months after approval, Village of Carthage may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.

(2) The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Village of Carthage may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

J. Enforcement. Any violation of this battery energy storage system law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Village of Carthage.

§ 146-29 Zoning permits.

The following activities shall require a zoning permit unless otherwise specifically exempted in this chapter:

- A. Erection, re-erection or movement of a building or structure;
- B. Change of the exterior structural dimensions of a building or structure;
- C. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
- D. The resumption of any use which has been discontinued for a period of 12 months or longer;
- E. Establishment or change in dimensions of a parking area for nonresidential or multifamily residential uses;
- F. Placement of a sign as regulated in §§ 146-6B, 146-7B, 146-8B, and 146-9B of this chapter;
- G. Fences or walls.
- H. Driveways.
- I. Wastewater Disposal Systems

Section 4. Effective Date. This law shall take effect immediately upon filing with the Secretary of State.