

BE IT ENACTED by the Town Board of the Town of Ballston, Saratoga County, New York, as follows:

Section 1. The Town Code of the Town of Ballston is hereby amended by adding a new Chapter, ARTICLE XXVIII – Other Supplemental Requirements § 138-115 – entitled **SOLAR ENERGY INSTALLATIONS** to read as follows:

§ 138-115.1 Purpose, Intent and Authority.

A. The purpose of this legislation is to balance the potential impact on the community when solar collectors may be installed while preserving the rights of property owners to install solar collection systems without excess regulation. The intent is to allow building-integrated photovoltaic (BIPV) systems, flush mounted solar systems, roof-mounted, building-mounted and pole-mounted solar installations that have a minimal footprint/height to be approved using the building permit process while requiring freestanding, ground-mounted or pole-mounted solar energy system installations over a certain footprint/height and based upon certain placement, to go through a site plan review and special use permit process before the Planning Board with notification to abutting property owners. This legislation is not intended to override agricultural exemptions that are currently in place for agricultural uses.

B. Solar energy is a renewable energy resource that can reduce fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid.

C. The use of solar energy equipment for the purpose of providing electricity and for heating and/or cooling is a national priority and is a necessary component of the Town of Ballston's current and long-term sustainability agenda. The Town of Ballston is in support of energy initiatives for NYS.

D. Solar energy solutions may provide farms with subsidy for under-utilized or poor performing soils thereby financially benefitting without adversely affecting the core farming operation.

E. Authority. This Solar Energy Installations Local Law is adopted pursuant to Sections 261-263 of the Town Law and Section 20 of the Municipal Home Rule Law of the State of New York, which authorizes the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, to make provisions for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight therefor.

§ 138-115.2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM — A solar energy system that consists of integrating photovoltaic modules into the building structure such as the roof or the facade and which does not alter relief of the roof. A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other façade material, semi-transparent skylight systems, roofing materials and shading over windows for the purpose of producing electricity for on-site usage or consumption.

COLLECTIVE SOLAR — Solar installation owned collectively through subdivision homeowner association, college student groups, "adopt-a-solar-panel," or other similar arrangements.

FLUSH-MOUNTED SOLAR PANEL — Photovoltaic panels and tiles that are installed flush to the surface of a roof or wall and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

GLARE – The effect by reflection of light with intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility in any material respects as determined by the zoning enforcement officer.

NET METERING — A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid, in accordance with Public Service Law-66j regulations.

PERMIT GRANTING AUTHORITY — The Town of Ballston authority charged with granting permits for the installation of alternative energy systems.

PHOTOVOLTAIC (PV) SYSTEM — A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity when light strikes them.

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 NYSEDA's or NABCEP's list of certified installers may still be deemed to be qualified solar installers if the Town of Ballston determines such persons to 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 the exposed parts.

ROOFTOP SOLAR SYSTEM — A solar system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

ROOF MOUNTED SOLAR ENERGY SYSTEM – A solar panel system located on the roof of any legally permitted building or structures for the purpose of producing electricity for on-site usage or consumption.

SOLAR ACCESS — Space open to the sun and clear of overhangs or shade including the orientation of the streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR — A solar photovoltaic cell, panel or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air or water.

SOLAR EASEMENT — An easement recorded pursuant to the NY Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT/SYSTEM — Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and can be stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar.

SOLAR PANEL — A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY — A device that stores energy from the sun and makes it available in an electrical form.

SOLAR THERMAL SYSTEM — Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

TYPE I SOLAR – Residential or small scale solar with electricity generated. Not to exceed 25 kW. Permitted in all districts and building permit required.

TYPE II-A SOLAR – Agricultural solar, ground-mounted. Electricity generated intended to meet the demand of the proposed or existing agricultural operations in accordance with PSL-66J, when applicable. Any systems over 25 kW. Permitted in the Rural district only. Modified Site Plan Review and building permit required.

TYPE II-B SOLAR – Commercial solar, roof mounted. Any system 25kW or greater. Permitted in commercial and industrial district. Site plan review and building permit required.

TYPE III SOLAR – Community Solar Installation (CSI). Minimum of 60 acres required. Systems must exceed 25kW. Allowed in the Rural district only. Special Use Permit, Site Plan Review and building permit required.

UTILITY SCALE – Any solar installation 25kW or greater

§ 138-115.3 Applicability.

A. The requirements of this chapter shall apply to all solar collector system installations modified or installed after the effective date of this chapter.

B. Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this chapter, shall not be required to meet the requirements of this chapter.

C. All solar collector systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards.

D. Solar collectors, unless part of a Type III system, shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net-billing or net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

E. General Regulations –

(1) Solar energy systems and equipment shall be permitted only if they are determined by the Town not to present any unreasonable safety risks.

- (2) Solar collectors and related equipment shall be surfaced, designed, and sited so as not to reflect glare onto adjacent properties or any Town, County or State Road.
- (3) All solar energy systems shall adhere to the New York State Uniform Fire Prevention and Building Code including but not limited to weight load, wind resistance, ingress, or egress in the case of fire or other emergency.
- (4) All solar collector installations must be performed by a qualified solar installer.
- (5) Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- (6) Any connection to the public utility grid must be inspected by the appropriate public utility.
- (7) Solar energy systems shall be maintained in good working order.
- (8) If solar storage batteries are included as part of the solar collector system, they must meet the requirements of the New York State Uniform Fire Prevention and Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

G. Planning Board site visits will be required for all Type II and Type III Solar Installations. A majority of the Planning Board members shall conduct a site visit before approval. The Planning Board members shall be accompanied by the applicant's design professional. These site visits are to give the Planning Board members a personal perspective of the site, regarding topography, existing site conditions such as farm fields, forest, hedge rows or neighboring residences and how the site may be buffered.

§ 138-115.4 Permitting.

A. Type I - Residential or small-scale solar energy (not to exceed 25kW). Small-scale solar energy installations shall be permitted by right in all districts of the Town. They are considered accessory structures and impervious surfaces. They must comply with all area and bulk regulations for the district in which they are located. All such installations require a building permit.

(1) Rooftop and building-mounted solar collectors.

(a) In order to ensure firefighter and other emergency responder safety there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop and building-mounted solar collectors. Additionally, installations shall provide for adequate access and spacing in order to:

- [1] Ensure access to the roof;
- [2] Provide pathways to specific areas of the roof;
- [3] Provide for smoke ventilation opportunity areas;
- [4] Provide emergency egress from the roof.

(b) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

- [1] Unique site-specific limitations;
- [2] Alternative access opportunities (as from adjoining roofs);
- [3] Ground-level access to the roof area in question;
- [4] Other adequate ventilation opportunities when approved by the Town
- [5] Adequate ventilation opportunities afforded by panel setback from other rooftop equipment (For example, shading or structural constraints may leave significant areas open for ventilation near HVAC equipment.);
- [6] Automatic ventilation device;
- [7] New technology, methods, or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

(2) Building-integrated photovoltaic (BIPV) systems. BIPV systems are permitted outright in all zoning districts. BIPV systems shall be shown on the plans submitted for the building permit application for the building containing the system.

(3) Solar-thermal systems. Solar-thermal systems are permitted in all zoning districts subject to the following condition:

- (a) Building permits are required for installation of all solar-thermal systems

(4) Solar energy systems and equipment shall be issued building permits only if the Town of Ballston Building Inspector determines that the proposed solar energy system does not present any unreasonable safety risks, including, but not limited to, the following:

- (a) Weight load.
- (b) Wind resistance.
- (c) Ingress or egress in the event of fire or another emergency.

(5) Ground mounted systems shall be on parcels of 2 acres or more. These systems will be considered accessory structures. System height shall not exceed 12ft from average grade.

B. Type II-A - Agricultural Solar systems. Only allowed in the Rural district and must meet all area and bulk regulations for that zoning district. Modified site plan review and building permit required. Any solar installation in the Agricultural District must follow NYS Department of Ag & Markets current guidelines for solar energy projects. Electricity generated intended to meet the demand of the proposed or existing agricultural operations in accordance with PSL-66J, when applicable.

- (1) Where the owner of the property is different than the site host of a solar energy system, the owner of the property shall provide an affidavit or evidence of agreement between the property owner and the solar energy system's owner/operator verifying that the system owner/ operator has the permission of the property owner to install and operate the solar energy system.

- (2) General provisions. All applications for Type II-A - Agricultural Solar Installation will be in accordance with the following:
- (a) Development and operation of a solar energy system shall not have a significant adverse impact on agricultural activities or on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Ballston or any federal or state regulatory agencies.
 - (b) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.
 - (c) All structures and devices used to support solar collectors shall be nonreflective (such as galvanized steel) and/or painted a subtle or earth tone color.
 - (d) Any site containing a Type II-A - Agricultural solar energy system shall contain fencing enclosing all solar energy system components that present safety hazards. The fencing shall be in compliance of National Electrical Code Section 110.31. Fencing and gates shall be a minimum of 7ft in height, sufficient for preventing entry.
 - (e) Screening - berms, landscape screen, or conifer trees, or any combination thereof acceptable to the Town capable of screening the site, shall be provided along any property line that abuts an existing residence and public roadways.
 - (f) There shall be a 250ft minimum separation from neighboring residences to Agricultural Solar system. For residences on the same property, as the Agricultural Solar system, there shall be a minimum of 100ft separation.
- (3) All topsoil will be saved and reused upon the site. Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.
- (4) Applications for Type II-A - Agricultural solar energy systems shall meet the following additional criteria:
- (a) Documentation of access to the project site(s), including the location of all access roads, gates, parking areas, etc.
 - (b) A plan for clearing and/or grading of the site. If necessary, a plan for stormwater management and erosion control of the site.
 - (c) After completion of a Type II Agricultural solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (5) Abandonment or decommissioning.

(a) Unsafe, inoperable, and/or abandoned solar energy systems and solar energy systems for which a special use permit has expired shall be removed by the owner. A solar energy system shall be deemed abandoned when it fails to produce energy for at least 6 months. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.

(b) For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

(c) The applicant for a utility-scale solar energy system where the system is the principal use on a lot shall, as a condition of the special use permit and upon each renewal, provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. The amount shall be based upon the estimated decommissioning costs including any salvage value. It is intended to cover, in whole, the cost of decommissioning in the event the Town must remove any utility-scale solar energy systems and associated structures/components, as well as restore the site subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant. Such financial surety shall not be required for municipally or state-operated solar energy systems.

C. Type II-B - Commercial Solar Systems (over 25kW)- Allowed in all commercial and industrial districts but must meet all area and bulk regulations for that zoning district. Systems shall be roof mounted only. Site plan review and building permit required.

- (1) Where the owner of the property is different than the site host of a solar energy system, the owner of the property shall provide an affidavit or evidence of agreement between the property owner and the solar energy system's owner/operator verifying that the system owner/ operator has the permission of the property owner to install and operate the solar energy system.
- (2) General provisions. All applications for Type II-B - Commercial Solar Installations will be in accordance with the following:
 - (a) Development and operation of a solar energy system shall not have a significant adverse impact on agricultural activities or on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Ballston or any federal or state regulatory agencies.

(b) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.

(c) All structures and devices used to support solar collectors shall be nonreflective (such as galvanized steel) and/or painted a subtle or earth tone color.

(d) The applicant is required to show the locations of all underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.

(3) Abandonment or decommissioning.

(a) Unsafe, inoperable, and/or abandoned solar energy systems and solar energy systems for which a special use permit has expired shall be removed by the owner. A solar energy system shall be deemed abandoned when it fails to produce energy for at least 6 months. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.

(b) For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the site plan application. The decommissioning plan shall identify the anticipated life of the project, method, and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

(c) The applicant for a utility-scale solar energy system where the system is the principal use on a lot shall, as a condition of the special use permit and upon each renewal, provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. The amount shall be based upon the estimated decommissioning costs including any salvage value. It is intended to cover, in whole, the cost of decommissioning in the event the Town must remove any utility-scale solar energy systems and associated structures/components, as well as restore the site subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant. Such financial surety shall not be required for municipally or state-operated solar energy systems.

D. Type III – Community Solar Installation (CSI) is only in the rural district and requires a minimum of 60 acres total to qualify. If the adjacent property is under the same ownership, the total acres of the commonly owned, contiguous property count toward the total 60 acres. System coverage perimeter may not exceed 20% of parcel if the property is located within the Watershed Overlay District. For other District there is no coverage maximum. Solar collectors are considered both structures and impervious surfaces. Special Use permit, Site Plan Review and

building permit required. Any solar installation in the Agricultural District must follow NYS Department of Ag & Markets current guidelines for solar energy project

- (1) Where the owner of the property is different than the site host of a solar energy system, the owner of the property shall provide an affidavit or evidence of agreement between the property owner and the solar energy system's owner/operator verifying that the system owner/ operator has the permission of the property owner to install and operate the solar energy system.
- (2) General provisions. Total CSI coverage shall not exceed 150 acres town wide (solar already installed prior to this law does not count against this allowance) and will be in accordance with the following:
 - (a) Development and operation of a solar energy system shall not have a significant adverse impact on agricultural activities or on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Ballston or any federal or state regulatory agencies.
 - (b) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.
 - (c) All structures and devices used to support solar collectors shall be nonreflective (such as galvanized steel) and/or painted a subtle or earth tone color.
 - (d) Any site containing a Type III CSI shall contain fencing enclosing all solar energy system components that present safety hazards. The fencing shall be in compliance of National Electrical Code Section 110.31. Fencing and gates shall be a minimum of 7ft in height and chain link or other barrier sufficient for preventing entry.
 - (e) Screening - berms, landscape screen, or conifer trees, or any combination thereof acceptable to the Town capable of screening the site, shall be provided along any property line that abuts an existing residence and public roadway.
 - (f) Maximum height is 20ft
 - (g) In no case shall solar equipment or fencing, be located within 200 ft of any public roadway or closer than 100ft from any adjoining property, unless the adjacent property is under the same ownership, at which time zero setback may be allowed along the commonly shared property line. There shall be a 250ft minimum separation from neighboring residences to CSI. For residences on the same property, as the CSI, there shall be a minimum of 100ft separation.
- (3) Applications for Type II-B - Commercial solar energy systems shall provide a site plan of the system with elevations
- (4) All topsoil will be saved and reused upon the site. Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where

soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

- (5) Applications for Type III CSI shall meet the following additional criteria:
 - (a) Photo simulations shall be included, showing the proposed solar energy system in relation to the building/ site, along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components. If tracking panels are used, photo sims must be segmented throughout the day, at least 4 separate times, 3 hours apart.
 - (b) Documentation of access to the project site(s), including the location of all access roads, gates, parking areas, etc.
 - (c) After completion of a utility-scale solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.
 - (d) All CSI's must provide a SWPPP (Storm Water Pollution Prevention Plan) at time of review. All town and state stormwater management practices must be complied with.
- (6) All projects are subject to Payment in Lieu of Tax (PILOTS). Any funds received by the Town through the PILOT process will be used for Planning and support of the Purchase of Development Rights (PDR) program. Final PILOT agreement must be accepted by the Town prior to issuance of building permit.
- (7) Special Permit shall expire after 35 years or upon decommissioning of system. If technology changes and an upgrade is proposed to an existing CSI or it is no longer operational, the applicant/owner shall apply for a new special permit and site plan review.
- (8) Abandonment or decommissioning.
 - (a) Unsafe, inoperable, and/or abandoned solar energy systems and solar energy systems for which a special use permit has expired shall be removed by the owner of the system.
 - (b) solar energy system shall be deemed abandoned when it fails to produce energy for at least 6 months. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.
 - (b) For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy

system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

(c) The applicant for a utility-scale solar energy system where the system is the principal use on a lot shall, as a condition of the special use permit and upon each renewal, provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. The amount shall be based upon the estimated decommissioning costs including any salvage value. It is intended to cover, in whole, the cost of decommissioning in the event the Town must remove any utility-scale solar energy systems and associated structures/components, as well as restore the site subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant. Such financial surety shall not be required for municipally or state-operated solar energy systems.

(d) In the event of a default or abandonment of the system the Town will provide written notice to the applicant, system operator and the owner of the real property and direct decommissioning. In the event that the applicant, system operator or owner of the real property fail to comply the Town may proceed as it deems appropriate including but not limited to implementing and enforcing all rights associated with decommissioning

§ 138-115.5 Transfer of Ownership or System

The Town of Ballston Building Department shall be given ten (10) days written notice of any transfer of ownership of the property and/or the system.

§ 138-115.6 Safety

A. All solar collector installations must be performed by a qualified solar installer if the installation is by other than the homeowner.

B. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an electrical inspection person or agency as determined by the Building Inspector in conformance with State Building Code.

C. Any connection to the public utility grid must be inspected by the appropriate public utility.

§ 138-115.7 Enforcement. Any violation of this Solar Energy Installations 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 Town of Ballston.

§ 138-115.8 Appeals.

A. If an individual is found to be in violation of the provisions of this zoning code, appeals should be made in accordance with established procedures of the Town of Ballston Code.

B. If a building permit for a solar energy device is denied because of a conflict with other Town Law or the building code, the applicant may seek relief from the Town of Ballston Zoning Board of Appeals which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors considered by the Zoning Board of Appeals

§ 138-115.9 Conflict. Any and all other Sections of the Town of Ballston Code that may conflict with this Local Law are hereby amended and supplemented to conform with the intent and terms of this Law.

§ 138-115.10 Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

§ 138-115.11 When effective

This chapter shall become effective after certification by the Town Clerk and the Town Attorney and upon filing it as the Secretary of State's office and upon its acceptance by that office.