

TOWN OF PINE PLAINS
LOCAL LAW NO. 1 OF 2019

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1. TITLE.

This local law shall be known and may be cited as: “The Town of Pine Plains Motor Vehicle and Recreational Vehicle Control Law”.

SECTION 2. LEGISLATIVE INTENT.

It is the purpose of this law to preserve and promote the health, safety and general welfare of the inhabitants of the Town of Pine Plains and of those persons who wish to use and operate certain motor-driven vehicles on private property or municipal property. It is also the purpose of this law to prevent those persons who wish to use and operate certain motor-driven vehicles from trespassing on public or private property in the Town of Pine Plains from annoying inhabitants and from creating a public nuisance.

SECTION 3.

Chapter 251 of the Town Code is hereby amended to add a new Article IV entitled: “Regulation of the Use of Certain Motor-Driven Vehicles on Property of the Town of Pine Plains and Privately Owned Property” shall read as follows:

”Section 251-16.

It shall be unlawful to operate or for the owner to permit the operation of motor-drive vehicles or conveyance including two-wheel, three-wheel and four-wheel vehicles known as ‘minibikes’, ‘trailbikes’ and ‘motorcycles’:

- a. On private property of another person without written permission of the owner or occupant of said property. Said written permission must be in the possession of the person operating the motor-driven vehicle and must be presented upon demand to any peace officer or police officer so demanding.
- b. Any property owned, leased or controlled by the Town of Pine Plains, except on trails duly designated by the Town for the use of such vehicles at the times and in the manner do designated, however, this shall not be construed to prohibit the lawful operation of licensed vehicles on public streets or thoroughfares.
- c. On property owned by the Town of Pine Plains and on privately owned property within the Town’s H-Bus, H-MS, H-CR, H-R, H-PC and H-B districts as follows:

- (1) In such a manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- (2) In a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety or property of any person, including the operator of said vehicle.
- (3) At a rate of speed greater than reasonable or proper under the surrounding circumstances.
- (4) Within 100 feet of any dwelling or residence other than the dwelling or residence of the owner or operator of such vehicle.
- (5) While in an impaired or intoxicated condition or under the influence of narcotics or drugs as defined in §1192 of the Vehicle and Traffic Law.
- (6) Between sunset and sunrise or when lights are required for safety without displaying at least one lighted headlight and taillight.

Section 251-17. ENFORCEMENT.

The Pine Plains Police Department, Dutchess County Sheriff's Department and/or New York State Police and any other peace officer, and the Town's Code Enforcement Officer, shall enforce the provisions of this chapter.

Section 251-18 PENALTIES FOR OFFENSES.

1. Any member of the Pine Plains Police Department, Dutchess County Sheriff's Department, New York State Police, and any other peace officer and the Town's Code Enforcement Officer, who shall encounter any person operating a motor-driven vehicle or conveyance in violation of this chapter, shall remove said vehicle or conveyance to a place designated by the officer's department. The owner or duly designated agent of the owner of such vehicle or conveyance may regain same upon payment of all expenses and charged necessarily and actually incurred by the removal and/or storage of said vehicle or conveyance, as set forth in the Town's Fee Schedule.
2. Any person, firm or corporation violating or permitting the violation of any provision of this chapter shall be guilty of a Violation punishable by a fine of up to \$100 for a first offense and up to \$200 for a second offense and up to \$300 for a third offense or any recurring offense.

SECTION 4. ENACTING AUTHORITY

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law, §10.

SECTION 5. SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 6. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing in the Office of the New York State Department of State in accordance with §27 of the Municipal Home Rule.

TOWN OF PINE PLAINS
LOCAL LAW NO. 2 OF 2019

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1. TITLE.

This local law shall be known and may be cited as: “The Town of Pine Plains Adoption of the New York State Unified Solar Permit Process for Accessory Solar Installations”.

SECTION 2. DECLARATION OF INTENT.

The Town of Pine Plains has recognized that solar energy is an abundant renewable and non-polluting energy resource and, as a result, the Town has planned to adopt a strategy for Town-wide solar development for the purpose of achieving multiple economic, health, environmental and educational benefits of solar energy while maintaining the community character, designs, standards and livability of the Town of Pine Plains. To this end, the Town, by Resolution 00-01-2019 authorized the implementation of a solar energy program in the Town of Pine Plains and appointed members to a Solar Energy Task Force to assess solar energy opportunities in the Town of Pine Plains and to make recommendations to the Town Board regarding the adoption of appropriate solar energy policies, plans, programs and regulations. In the meantime, until a comprehensive solar law can be adopted, the Town has determined that solar photovoltaic (PV) installations as accessory uses throughout the Town should be permitted through the New York State Unified Solar Permit Process.

SECTION 3.

Article 5 of the Town of Pine Plains Code is hereby amended to provide for a new Article 5, §100-24 entitled: “Permitting of Eligible Photovoltaic (PV) Installations through the New York State Unified Solar Permit Process” which shall read as follows:

“A. PURPOSE.

The Town of Pine Plains hereby recognizes that solar photovoltaic (PV) installations are now considered normal and customary accessory uses to residences, commercial buildings and farms. Installation of such facilities in all Town zoning districts shall be permitted as accessory uses pursuant to the New York State Unified Solar Permit Process by the Town Code Enforcement Officer.

B. COVERED PHOTOVOLTAIC (PV) INSTALLATIONS AS ACCESSORY USES.

In order to qualify as an accessory use permitted pursuant to the New York State Unified Solar Permit, the following criteria must be met by the applicant:

- (i) The facility must have a rated DEC capacity of 25kW or less;
- (ii) The facility must not otherwise be subject to review by any architectural or historical review board pursuant to the Town of Pine Plains Code;
- (iii) The facility must not require a zoning variance or special use permit under the Town Code;
- (iv) The facility must be mounted on a permitted roof structure or on a legal accessory structure or ground mounted on the applicant's property;
- (v) The facility must be installed by a solar installation contractor in compliance with all licensing and other requirements of the Town of Pine Plains and the State;
- (vi) If the structure on which the facility is installed is a slope roof, the solar panels must be mounted parallel to the roof's surface;

For solar PV systems not meeting these eligibility criteria, the applicant is not eligible for the Unified Solar Permit. The applicant must utilize the New York State Unified Solar Permit which may be obtained from the Town Clerk or the Town Code Enforcement Officer office during regular business hours. The application process shall be a Unified Permit Streamlined Process approved by the Town Code Enforcement Officer with the submission of the permit and all required application material as identified in the New York State Unified Solar Permit. Permit applications will be issued within seven (7) calendar days upon receipt of complete and accurate applications. The Code Enforcement Officer will provide feedback within seven (7) calendar days of receiving incomplete or inaccurate applications.

SECTION 4. ENACTING AUTHORITY

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law, §10.

SECTION 5. SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

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