

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 Waterloo

**FILED
STATE RECORDS**

APR 12 2019

DEPARTMENT OF STATE

Local Law No. 1 of the year 2019

A local law Adopting Chapter 134 " Solar Energy Systems".
(insert Title)

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

County City Town Village
(Select one.)

of Waterloo 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 2019 of the ~~(County)(City)~~(Town)(Village) of Waterloo was duly passed by the Town Board on March 25th 2019, 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 1 above.

Sandra S. Bidney

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

Date: 4-9-19

(Seal)



TOWN OF WATERLOO

A LOCAL LAW OF THE YEAR OF 2019

A local law adopting Chapter 134 "Solar Energy Systems" in support of the Town of Waterloo Comprehensive Plan.

Be it enacted by the Town Board of the Town of Waterloo, New York, as follows:

1. **Legislative Intent:** It is the intent of this local law to support the current Comprehensive Plan by providing guidance for the proper site placement and regulation of solar energy systems within the boundaries of the Town of Waterloo; to protect residential uses, business areas, and other land uses; to preserve the overall beauty, nature of character of the Town of Waterloo; to promote the effective and efficient use of solar energy resources; and to protect the health, safety, and general welfare of the citizens of the Town of Waterloo. In addition, the Town of Waterloo believes it is necessary to regulate and govern the proper and timely removal of solar energy systems upon such systems becoming non-functional or when they are no longer being utilized.
2. **Authority:** This Local Law is enacted by the Town Board pursuant to its authority to adopt Local laws under Article IX of the New York State Constitution and Municipal Home Rule Law § 10 and § 261-263 and 264 of New York State Town Law.
3. **Provisions and Term:** "See Attached."
4. **Severability:** If a court 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, 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.
5. This local law shall take effect immediately upon filing with the Secretary of State.

Chapter 134. Solar Energy Systems

[Adopted by the Town Board of the Town of Waterloo 2/25/19 by L.L. No. # 1-2019]

§134.1. Authority.

This solar energy law is adopted pursuant to §261-263 and 264 of the New York State Town Law, which authorizes the Town of Waterloo to adopt zoning parameters that advance and protect the health, safety, and welfare of the community, and to make provisions for, so far as conditions, may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

§134.2. Purpose & Legislative Intent.

The Town Board of the Town of Waterloo states the following as its findings and legislative intent:

- A. The Town Board of the Town of Waterloo recognizes that solar energy is a clean, readily available and renewable energy source and the Town of Waterloo intends to accommodate the use of solar energy systems.
- B. In support of the Town's current Comprehensive Plan which was adopted on January 23, 2017, the Town Board finds it is necessary to properly site and regulate solar energy systems within the boundaries of the Town of Waterloo to protect residential uses, business areas and other land uses, to preserve the overall beauty, nature and character of the Town of Waterloo, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Waterloo.
- C. In addition, the Town Board believes it to be necessary to regulate and govern the proper and timely removal of solar energy systems upon such systems becoming non-functional or when they are no longer being utilized.

§134.3. Definitions.

BOND - Any form of security, including a cash deposit, surety bond, collateral, property, or letter of credit, in an amount acceptable to the Planning Board and from satisfactory to the Town Attorney. Wherever a bond is required by the Town Code, alternate forms of security shall be reviewed and may be approved by the Town Attorney and/or Town Engineer.

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

BUILDING-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed to the side(s) or rear of a Building or other Structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a Building.

FARMLAND OF STATEWIDE IMPORTANCE - Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, which is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE - The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, nuisance, 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 on-site consumption.

PRIME FARMLAND - Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses, and located within Seneca County Agriculture District 6 as defined by New York State Department of Agriculture and Markets.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface for the purpose of producing electricity for on-site consumption.

SOLAR ENERGY EQUIPMENT - Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM - An electrical generating system composed of a combination of either solar panels or solar energy equipment.

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

TYPES OF SOLAR ENERGY SYSTEMS:

SMALL - SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that is ground-mounted or roof-mounted, produces energy primarily for the purpose of on-site use, and does not exceed 1,000 square feet based on the perimeter occupied by the solar panels and produces less than 25kW (kilowatt).

LARGE - SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that is ground-mounted and greater than 1,000 square feet based on the perimeter occupied by the solar panels and produces greater than 25kW (kilowatt) for the purpose of off-site sale or consumption.

§134.4. New York State Unified Permit for all Small Scale Solar Projects for Residential and Small Business Owners.

A. The unified solar permitting process is available to all districts in the Town of Waterloo for eligible solar photovoltaic (PV) installations that meet the following criteria:

- (1) Has a rate direct current capacity of 25kW (kilowatt) or less.
- (2) Does not require a zoning variance or special use permit, however, will require an approved zoning permit.
- (3) Is mounted on a permitted roof structure, on a legal accessory structure, or ground mounted on the applicant's property.
- (4) The solar installation contractor complies will all licensing and other requirements of the Town of Waterloo and New York State.

(5) If the structure is a sloped roof, solar panels are mounted parallel to the roof surface.

B. If an applicant cannot meet the criteria for a NYS Unified Permit, they must submit a site plan and special use permit provided through the Town of Waterloo Code Enforcement Officer and subject to review by the Zoning Board of Appeals and/or Planning Board.

§134.5. Small – Scale Solar Energy System.

A. Small-scale solar energy systems less than 1,000 square feet based on the perimeter occupied by the solar panels and less than 25kW.

B. Applicability

(1) The requirements of this section shall apply to all solar energy systems modified or installed after its effective date. No solar energy system or device shall be installed or operated in the Town of Waterloo except in compliance with this section.

(2) All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations, and standards of the Town of Waterloo, and, where applicable, the State of New York.

(3) Small-scale solar energy systems are permitted in all designated zoning districts within the Town of Waterloo with an approved Zoning Permit.

C. Rooftop and building-mounted solar energy systems.

(1) This subsection applies to the installation of solar panels for commercial buildings and residences for small rooftop or building-mounted solar systems that meet the definition of a small-scale solar energy system and that do not exceed 25 kW in size.

(2) Zoning permits are required for the installation of all rooftop and building-mounted solar systems, and all zoning permit applications for the installation of rooftop or building-mounted solar systems on residential and commercial buildings shall be reviewed by the Town of Waterloo's Code Enforcement Officer, who has the authority to grant or deny permits for such systems.

(3) Rooftop and building-mounted solar systems: Rooftop and building-mounted solar systems that meet the definition of a small-scale solar energy system and that do not exceed 25 kW in size are permitted as an accessory use in all zoning districts in the Town of Waterloo when attached to any lawfully existing and lawfully permitted building, subject to the following conditions:

a) Height: Solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

b) Aesthetics: Rooftop mounted solar energy system installations shall incorporate, when feasible, the following design requirements:

[1] Solar energy systems shall be color-compatible with the primary structure.

[2] 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 the highest edge of the system.

D. Ground-mounted and freestanding solar energy systems.

(1) Ground-mounted and freestanding solar energy collectors are permitted as accessory structures in all zoning districts of the Town of Waterloo, subject to the following conditions:

- a) Zoning permits and/or Unified Solar Permits are required for the installation of all ground-mounted solar collectors. All permits applications for the installation of ground-mounted solar collectors on residential and commercial property shall be reviewed by the Town of Waterloo's Code Enforcement Officer, who has the authority to grant permits for such systems.
- b) The location of the solar collector meets all applicable setback requirements for accessory structures in the zoning district in which it is located. If said accessory structure exceeds 120 square feet, then the setback requirements for principal structures shall apply.
- c) The height of the solar collector and any part of the solar energy equipment/system shall not exceed ten (10) feet when oriented at maximum tilt.
- d) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
- e) Lot coverage.

[1] Freestanding and ground-mounted solar energy systems shall not exceed 1,000 square feet based on the perimeter occupied by the solar panels without obtaining a special use permit as a large-scale solar energy system pursuant to Subsection 135-6 hereof.

[2] All such systems in residential or commercial zoning districts may be installed on all areas of a parcel in accordance with local planning and zoning regulations and lot coverage requirements.

[3] Freestanding and ground-mounted solar energy systems shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area and do not impact the effective amount of solar energy to be produced.

§134.6. Large – Scale Solar Energy System

A. Large-scale solar energy systems greater than 1,000 square feet based on the perimeter occupied by the solar panels and greater than 25kW.

B. Permitting.

(1) Large-scale solar energy systems are permitted through the issuance of a special use permit and permitted in the following zoning districts: Industrial (I) and Agricultural (A), subject to the requirements set forth in this section, including site plan approval. Applications for the installation of Large-scale solar energy system shall be reviewed by the Code Enforcement Officer and referred, with comments to the Planning Board for its review and action, which can include approval with conditions, or denial.

(2) Applications for large-scale solar energy systems that are subject to independent professional services for inspection, engineering and legal consultation will be the responsibility of the Applicant. If additional funds are needed in the fee account, the Planning Board will obtain an estimate from the consultant as to the amount necessary for completion of the remaining review(s).

Said amount is to be paid by the Applicant to any further work being done by the consultant. Balance of the deposit will be returned upon completion of the project. The Planning Board will provide the Applicant in advance with established billing rates for engineering and legal services.

- (3) Special use permit application requirements. In addition to the requirements set forth in § 135-8 of this chapter, the following information must be included with an application for a special use permit for large-scale solar energy systems.
- a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - b) A letter providing proof of feasibility from the local utility company is to be provided as part of the application indicating that utility company can handle the demands of the proposed project.
 - c) A boundary survey prepared by a New York State licensed professional is to be provided, including the metes and bounds, monumentation, tax map information, property acreage, and easements.
 - d) Plans showing the layout of the solar energy system signed by a professional engineer or registered architect shall be required. A photograph of the site is also required.
 - e) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - f) Plans and drawings for the Large-scale energy system signed by a Professional Engineer showing the proposed layout of the solar energy system along with providing a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible storm water or erosion disturbances, and utility lines (both above and below ground) on the site and adjacent to the site.
 - g) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the large-scale solar energy system and property upkeep, such as mowing, trimming, safety concerns, and access. The Property Operation and Maintenance Plan shall include details about the proposed use or uses of the remaining property not used for the large-scale solar energy systems, as well as ingress and egress to all portions of the property.
 - h) Decommissioning plan. To ensure the proper removal of a large-scale solar energy system, 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] In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, for a period of six (6) months, then in either event such by the owner or lessee. If the owner or lessee does not voluntarily dismantle the facility and remove the same from the site upon the occurrence of either event, the Code Enforcement Officer may recommend to the Town Board that the Town Board declare the system abandoned based on either or both events and the Town Board, upon receiving the recommendation of the Code Enforcement Officer and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Planning Board declares the facility abandoned, by Town staff or by a third party on contract with the Town. Failure to dismantle and remove a facility and restore the site to its natural state within 30 days

after said facility has been declared abandoned by the Planning Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against the performance surety bond posted by said owner or lessee of said facility, as provided in § 134.6(1)(h)(4) herein. The Town may also impose a lien on the property to cover removal costs, plus a service charge of 25% thereof, to cover the cost of supervision and administration, to the Town, and such amount shall be assessed against the property on which the facility was situated. The amount so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

- [2] The plan shall demonstrate how the removal of all infrastructure both above and below ground and the remediation of soil and vegetation shall be conducted to return the parcel to the condition the property was in prior to the installation of the large-scale solar energy system.
 - [3] The plan shall also include an expected timeline for execution.
 - [4] A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer. Cost estimations shall take into account inflation. A decommissioning performance surety bond shall be issued to the Town of Waterloo in that amount and shall remain in effect for as long as the large-scale energy system is in existence. The bond amount shall equal the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years, for an additional twenty (20) years. The cost estimate shall be reviewed by the Town Engineer and approved by the Town Attorney.
 - [5] Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan.
 - [6] If the large-scale solar energy system is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality, and collect such amounts in the same way as other Town taxes, in addition to any other remedies available to the town.
- i) Construction schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.
- (4) Special use permit standards. No special use permit for a large-scale solar energy system shall be issued unless the Planning Board specifically finds that the proposed project is in compliance with each of the following:
- a) Setbacks. Large-scale solar energy systems shall be sited to create a front setback of no less than 200 feet from the right-of-way line of the road and setbacks of 100 feet from all side and rear property lines. In addition, no large-scale solar energy system shall be located closer than 300 feet from any residential structure located on another parcel.
 - b) Height. No part of the large-scale solar energy systems shall exceed ten (10) feet in height when oriented at maximum tilt.

- c) Lot coverage. A large-scale solar energy system that is ground mounted shall not exceed 50% of the lot on which it is installed. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.
- d) Large-scale solar energy systems shall be located on lots with a minimum size of one (1) acre.
- e) Security. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access, unless the Planning Board determines that fencing will cause environmental or ecological problems, or that such fencing is unnecessary. If the Planning Board makes such a determination, then the applicant must provide for other means, acceptable to the Planning Board, to prevent access to circuit conductors and other electrical components of the system. Warning signs with the property owner's contact information shall be placed on the entrance and perimeter of the property and of the solar energy system at locations acceptable to the Planning Board. Any fencing installed shall be acceptable to the Planning Board and shall include screening of said fencing as required by the Planning Board.
- f) Drainage. All large-scale solar energy systems shall include a drainage and stormwater management plan that is acceptable to the Planning Board.
- g) Easements. All large-scale solar energy systems shall provide access, maintenance, and utility easements that are acceptable to the Planning Board. If the large-scale solar energy system will be operated by any entity other than the property owner, the Planning Board must approve the lease or contractual agreement between the property owner and the system operator.
- h) The Planning Board must approve the decommissioning plan submitted by the applicant. The Planning Board shall require that the applicant or property owner post an automatically renewing security bond for construction, maintenance, and removal of solar energy systems.
- i) The Planning Board must approve the property operation and maintenance plan submitted by the applicant.
- j) All access roads and paths required for the project shall be integrated into other uses on the property, if possible. Access road siting and grading shall be designed to minimize any negative impacts from stormwater drainage.
- k) All Large-Scale Solar Energy Systems shall be adequately screened, as determined by the Planning Board, to avoid adverse aesthetic impacts.
- l) Any application under this section shall meet any substantive provisions contained in local site plan requirements in the Zoning Code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for site plan review.
- m) The Planning Board may impose conditions on the approval of any special use permit under this section in order to enforce the standards referred to in this section, or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
- n) A special use permit shall expire 18 months from the date of issuance if the proposed activity has not been substantially implemented as determined by the Planning Board. One twelve-month extension may be granted by the Planning Board.

§134.7. Inspection and Enforcement.

Any violation of this chapter shall be subject to the same civil and criminal penalties for in the Town of Waterloo Town Code (including any applicable zoning regulations) and/or the laws of New York State.

- A. The Code Enforcement Officer is hereby authorized to make inspections to determine compliance with the provisions of this chapter. When the Code Enforcement Officer determines that there is a violation, he shall cause a written notice thereof to be served upon the owner of the property in violation. Such notice shall include a statement of the conditions that violate the provision of this chapter and the action required to correct such violations.
- B. The Code Enforcement Officer will specify the time and nature of work to be done to correct such violation.
- C. Upon failure to comply with said notice, the Code Enforcement Officer may prepare an appearance ticket returnable to the Town of Waterloo Court.
- D. Whenever such notice has been legally served upon the owner of a noncompliant premises, and such owner shall neglect or fail to comply with the requirements of such notice within the time period provided therein, the Town Board may authorize the work to be done and pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purposes.
- E. The Town shall be reimbursed by the owner for the cost of work performed or services rendered. Said costs may be secured by a lien placed upon the premises.

§134.8. Penalties for offenses.

- A. Any person who violates or knowingly permits the violation of this chapter shall be deemed to have committed an offense against this chapter and shall be subject to the penalties provided in Chapter 1, General Provisions. Each separate violation shall constitute a separate additional offense. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Every day of such violation after the thirty-day period for compliance shall be deemed to constitute a separate additional offense. Notwithstanding the foregoing, any person violating any provision of this chapter or any article, section or subdivision thereof shall be subject to a civil penalty in the sum of \$350 for the first such violation, \$700 for the second such violation and \$1,000 for any subsequent violation, said penalties to be recoverable in a civil action in the name of the Town of Waterloo.
- B. Any person who violates this chapter may be enjoined from a continuing violation hereof in an action in any court of competent jurisdiction, and in the event that an injunction is granted enjoining said violation, the party seeking said injunction shall be entitled to recover the costs, disbursements and reasonable attorney fees incurred in connection with bringing and prosecuting said action.

§134.9. Severability.

If any clause, sentence, paragraph, subsection, section or part of this chapter, or the application thereof to any person, individual, firm or corporation, or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or part of this chapter, or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which said order or judgment shall be rendered.