

Local Law Filing

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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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 27 2005

County
City of Arkwright
Town
Village

Local Law No. 1 of the year 20 05

MISCELLANEOUS
& STATE RECORDS

A local law entitled: Permitted Use Regulation for Small
(Insert Title)
Wind Turbines located in the Town
of Arkwright

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

County
City of Arkwright as follows:
Town
Village

The following Local Law shall become part of the Town
of Arkwright Zoning Ordinance as Article VI.

(See Attached)

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

Local Law 617: Permitted Use Regulation for Small Wind Turbines

Section 617:1 Purpose:

It is the purpose of this regulation to promote the safe, effective and efficient use of private small wind energy systems installed primarily to reduce the on-site consumption of utility supplied electricity.

Section 617:2 Findings

The Town of Arkwright finds that wind energy is a renewable energy resource and that its conversion to electricity will reduce our dependence on non-renewable energy resources and decreases the air and water pollution that results from the use of conventional energy sources. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio. Small wind systems also make the electricity supply market more competitive by promoting customer choice.

The State of New York has enacted a number of laws and programs to encourage the use of small-scale renewable energy systems including rebates, net metering, property tax exemptions, and solar easements [as appropriate].

Therefore, we find that is necessary to standardize and streamline the proper issuance of building permits for small wind energy systems so that this renewable energy resource can be utilized in a safe cost-effective and timely manner.

Section 617:3 Definitions

Small Wind Energy System (SWES): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a maximum rated capacity of not more than 10 kW and which is intended to reduce onsite consumption of utility power.

Tower Height: The height above grade of the fixed portion of the tower, including the wind turbine blades.

TOA: Town of Arkwright

CEO: Code Enforcement Officer

Section 617:4 Permitted Use

A single small wind energy system shall be a permitted use in all zoning classifications where structures of any sort are allowed subject to certain requirements as set forth below:

4.1 Tower Height:

Any small wind energy system with a total height of 60 feet or less is a permitted use in the TOA. Any small wind energy system with a total height over 60 feet requires a special use permit. Any tower greater than 120 feet is presumed to be for commercial use.

4.2 Set-back:

A small wind energy system must be set back from any property line and/or public right of way a minimum distance of two times the total height of tower including turbine blade length.

4.3 View Corridors

Each small wind energy system or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.

4.4 Noise:

Small wind energy systems shall not exceed 30 dBA, as measured at the closest neighboring property line. The level, however, may be exceeded during short-term events, such as utility outages and/or severe wind storms.

4.5 Safety:

A.) Wind Turbine installation shall incorporate reasonable precautions by applicant to prevent unauthorized persons from access.

B.) Guy wires and anchors for towers shall be marked and clearly visible to a height of six feet above the guy wire anchors.

4.6 Visual Appearance

Any small wind energy system, including all accessory structures, shall, to the extent possible, use materials and colors that will blend them into the natural setting and surrounding buildings. Small wind energy systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system.

4.7 Shadow Flicker

The SWES shall be designed to prevent shadow flicker on or in any existing residential structure or roadway.

4.8 Signal Interference

Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.

4.9 Compliance with Codes and Standards:

Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including tower, base, and footings. An engineering analysis of the structure showing compliance with the Codes and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.

Wet stamps shall not be required.

4.10 Compliance with FAA regulations:

Small wind energy systems must comply with applicable FAA regulations.

4.11 Compliance with National Electrical Code:

Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

4.12 Utility Notification:

No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

4.13 Certificate of Compliance:

Prior to initial start-up operation of the SWES, the CEO of the town shall inspect the structure and make a determination of Town compliance. A manufacturer's certification of compliance is also required.

4.14 Abandonment of Use

A SWES which is not used for twelve successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

Section 617:5 Resolution of Complaints:

Should the TOA receive valid complaints regarding health or safety issues pertaining to the maintenance or operation of the SWES, the owner must work with the town CEO to resolve or mitigate the problem within 30 days or be subject to system shut down.

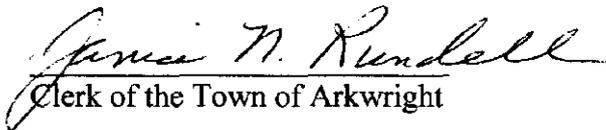
Section 617: 6 Amendments

For the purpose of protecting the public health, safety and general welfare, the Planning Board may from time to time recommend amendments to these regulations which shall be approved, approved with modifications or disapproved by the Town of Arkwright at a public meeting following public notice. As technology advances, some or all of these regulations may become obsolete. Therefore, periodic review and revision of these regulations will be necessary.

EFFECTIVE DATE: This Local Law shall take effect when it is filed in the office of the Secretary of State of the State of New York.

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 for 2005 for the Town of Arkwright was duly passed by the Town Board of the Town of Arkwright on October 10, 2005 in accordance with the applicable provisions of law.

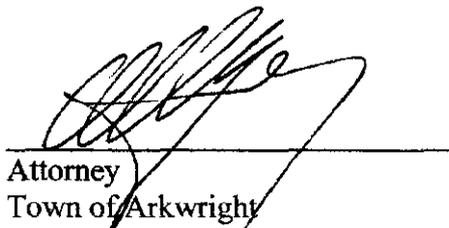
(Seal)


Clerk of the Town of Arkwright

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Attorney
Town of Arkwright

Dated: October 20, 2005