

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.

FILED
STATE RECORDS

MAR 23 2010

- County
- City of Brutus
- Town
- Village

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 10

A local law Alternative Energy - Small Wind Energy Systems
(Insert Title)

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

- County
 - City of Brutus
 - Town
 - Village
- as follows:

(Delete this line of text and enter text of local law here)

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 10 of the (County)(City)(Town)(Village) of Brutus was duly passed by the Town Board on March 8, 20 10, 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 one _____, above.

Mary Kay Breathing

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

Date: *March 18, 2010*

(Seal)

(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 Cayuga

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.

[Signature]

Signature
Town Attorney

Title

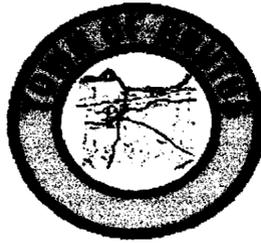
County
City of Brutus

Town
Village

Date: 3/18/2010

TOWN OF BRUTUS

9021 North Seneca Street
P.O. Box 720
Weedsport, New York 13166



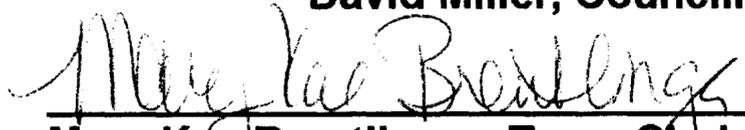
Phone: 315-834-9398
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TDD 1-800-622-1220

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Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9410

I, Mary Kae Brentlinger, Town Clerk for the Town of Brutus do hereby certify that the below Local Law No. 1 of 2010 was duly adopted by unanimous vote of the Town Board of the Town of Brutus on March 8, 2010 via Resolution # 32-10.

VOTE:	James Hotaling, Supervisor	Aye
	Thomas Flynn, Deputy Supervisor/Councilman	Aye
	Jeffery Hinman, Councilman	Aye
	Robert Ward, Councilman	Aye
	David Miller, Councilman	Absent



Mary Kae Brentlinger, Town Clerk



Date

SEAL

ADOPTION OF LOCAL LAW #1 OF 2010

Councilman Hinman made the first motion, second by Councilman Ward to pass the following resolution:

Adopting Zoning Regulations for Small Wind Energy Systems in the Town of Brutus

WHEREAS, The Town of Brutus received a proposal from the Town of Brutus/Village of Weedsport Planning Board for zoning regulations for small wind energy systems in the Town of Brutus at its meeting of January 11, 2010; and

WHEREAS, the Town Board at said January 11, 2010 meeting authorized that a public hearing on the proposal be scheduled, authorized referrals in accordance with NYS General Municipal Law and initiated the SEQRA review process; and

WHEREAS, a public hearing on the proposal was conducted by the Town Board of the Town of Brutus on March 8, 2010; and

WHEREAS, on March 8, 2010 the Town Board of the Town of Brutus also concluded the SEQRA review process and determined that the proposal will not have negative impacts on the environment; now therefore be it

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RESOLVED, that the Town Board of the Town of Brutus, hereby establishes a fee of \$100.00 for building permits for small wind energy systems; and

RESOLVED, that the Town Board of the Town of Brutus hereby amends the Zoning Law of the Town of Brutus adding new Article XV to Chapter 125 Zoning "Alternative Energy" - Regulating the Use of Small Wind Energy Systems as follows:

Article XV – Alternative Energy

A. Small Wind Energy Systems

Section 1. Purpose.

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

This regulation authorizes the Town of Brutus to provide, by local law, for the installation of small wind energy systems, as specified, and to issue a permit for this purpose. This regulation authorizes the Town of Brutus to permit installation of these systems as specified. No other local ordinance, policy, or regulation shall be the basis for denying the siting and operation of a small wind energy system. This regulation also requires the Town to approve an application for a small wind energy system by right if the criteria below are met and authorizes the Town to charge a fee for each wind mill energy installation, such fee to be posted on the approved Permit Fee Schedule of the Town of Brutus.

Section 2. Findings.

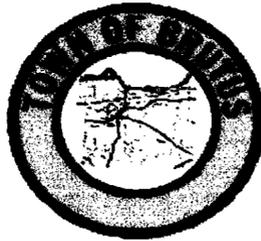
The Town of Brutus finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of nonrenewable energy resources. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce overall power demands, and help diversify New York State's energy portfolio. Small wind energy systems also make the electricity supply market more competitive by promoting customer choice.

Section 3. Definitions.

- a. Small Wind Energy System: A wind energy system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 250KW and which is intended primarily to reduce on-site consumption of utility power.

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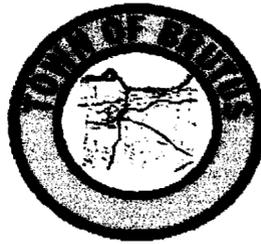
- b. Turbine: The parts of a wind system including the blades, generator, and tail.
- c. Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.
- d. FAA: Federal Aviation Administration

Section 4. Permitted Use.

- a. Written notice of an application for installation of a small wind energy system shall be provided to all property owners of record within 200 feet of the property boundary lines on which the proposed system is to be located. Notice and proof of service of said Notice shall be in the form as provided by the Town of Brutus and shall become part of the building permit application that must be submitted for each small wind energy system proposed.
- b. Small Wind Energy Systems with tower heights of not more than 120 feet shall be allowed on parcels between one and five acres, in all zoning districts. For property sizes of five acres or more, in all zoning districts, there is no limitation of tower heights, except as imposed by FAA regulations, provided that the permit application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. Any limits on structure heights set forth elsewhere in the Town of Brutus Zoning Law are superseded by this section as they apply to small wind energy systems.
- c. Setbacks and Fall Zones for the system tower shall be no closer in any direction to any adjoining properties than need be to assure that, in the event of a structural failure of any kind, no part of the system shall fall onto an adjoining property. In most cases this distance will be equal to the height of the tower. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six (6) feet above the guy wire anchors.
- d. 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 the determination that the manner of installation conforms to the National Electric Code.
- e. Decibel levels of the system shall not exceed 60 decibels measured at the closest neighboring inhabited dwelling, except during short term events such as utility outages and severe wind storms.

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- f. The application shall include standard drawings and engineering analysis of the system's tower and certification by a professional mechanical, structural, or civil engineer. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.
- g. The system shall comply with all applicable FAA requirements, including Part 77 of Title 14 of the Code of the Federal Aviation Regulations regarding installations close to airports.
- h. No building permit for the installation of any grid connected customer owned generator as part of a wind energy system shall be issued until evidence has been provided that the utility company has been informed of the customer's intent. Off grid systems shall be exempt from this requirement. All building applications for small wind energy systems shall be accompanied by payment of any and all fees set forth in the duly approved Permit Fee Schedule of the Town of Brutus.
- i. All building permit applications for small wind energy systems shall include any applicable fee as set forth in the Permit Fee Schedule of the Town of Brutus.

Section 5. Variances.

If the proposed small wind energy system fails to meet the above requirements it is eligible to apply for a variance and upon satisfactorily meeting the criteria generally applicable to zoning variances it may be issued a variance and in turn issued a permit.

Section 6. Pre-existing Small Wind Energy Systems.

Any small wind energy systems that are in existence in the Town of Brutus prior to the effective date of this Article are deemed to be pre-existing uses and may continue in accordance with regulations of the Town of Brutus Zoning Law applicable to pre-existing uses.

Section 7. Effective Date.

This local law shall take effect immediately upon its filing in the Office of Secretary of State or on the twentieth day after it shall have been adopted, whichever shall occur first.

VOTE:	Supervisor James Hotaling	Aye
	Deputy Supervisor/Councilman Thomas Flynn	Aye
	Councilman Jeffery Hinman	Aye
	Councilman Robert Ward	Aye
	Councilman David Miller	Absent

RES 32-10 VOTE: 4 ayes, 0 nays, 1 absent. Carried.