

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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. Do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUN 01 2006

County
City of Stamford
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 19 2006

A local law A Local Law to Regulate Small Wind Turbines
(Insert Title)

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

County
City of Stamford as follows:
Town
Village

See the attached

TOWN OF STAMFORD

LOCAL LAW NO. 2-2006

A LOCAL LAW TO REGULATE SMALL WIND TURBINES

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 energy.

2. AUTHORITY:

This regulation authorizes the Town of Stamford Planning Board, the local agency 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 local agency through the Town Planning Board to permit installation of these systems, as specified. No other local Local Law, Policy or Regulation shall be the basis to deny the siting and operation of a small wind energy system.

3. FINDINGS:

The Town of Stamford finds that wind energy is an abundant, renewable and nonpollution energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease 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 of New York's energy supply portfolio. Small wind systems also make the electricity supply market more competitive by promoting customer choice.

4. SPECIFIC – DEFINITIONS:

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 KW and which is intended to primarily reduce on-site consumption of utility power.

Turbine: The parts of wind system including the blades, generator and tail.

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

5. PERMITTED USE:

This regulation requires the Town Planning Board to approve an application for a small wind energy system by right if the criteria below are met and authorizes the local agency to charge a fee of not more than fifty dollars (\$50.00) per small wind energy system. If any portion of the proposed small wind system does not meet the requirements set under this regulation, a waiver from the Town Planning Board will be required.

Small Wind Energy systems shall be a permitted use where structures of any type are allowed, subject to the following requirements:

- A. Notice of an application for installation of a small wind energy system shall be provided to property owners within 200 feet of the property on which the system is to be located.
- B. Tower heights of not more than 120 feet shall be allowed.
- C. Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wires, may extend closer than forty feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six 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 a determination that the manner of installation conforms to the National Electrical Code.
- E. Decibel levels for 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 windstorms.
- F. The application shall include standard drawings and an 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 Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
- H. No 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 a grid-connected customer-owned generator. Off-grid systems shall be exempt of this requirement.

6. PUBLIC HEARING:

If the proposed small wind energy system meets the above criteria, this regulation requires the local agency to approve an application for the small wind energy system by

right and no public hearing will be required. For those proposed small wind energy systems that do not meet the above criteria a waiver will be required and a public hearing may be necessary.

7. PENALTIES FOR OFFENSES:

- A. It shall be unlawful for any person, firm or corporation to install, alter, repair, move equip, use or maintain any wind turbine or related equipment in violation of any of the provisions of this local law, or to fail in any manner to comply with a notice, directive or order of the Town of Stamford Building Code Enforcement Officer.
- B. Any person who shall fail to comply with a written order of the Town of Stamford Building Code Enforcement Officer within the time fixed for compliance therewith; and any owner, builder architect, tenant, contractor, subcontractor, construction superintendent or their agents or any person taking part or assisting in the installation, alteration, repair, equipping, use or maintenance of any wind turbine or related equipment in violation of any of the applicable provisions of this local law or any lawful order, notice directive, permit or certificate of the Town of Stamford Building Code Enforcement Officer made hereunder shall commit a violation of this local law. Under the authority of Town Law subsection 135, any person, firm or corporation violating any of the provisions of this local law shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250.00 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

8. EFFECTIVE DATE:

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(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. 2 of 192006 of the (County)(City)(Town)(Village) of Stamford was duly passed by the Town Board on May 17, 192006 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

Dore S. Grant

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

(Seal)

Date: May 18, 2006

(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 Delaware

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.

Joseph R. De...

Signature

Title Town Attorney

County
City of Stamford
Town
Village

Date: 5-25-06