

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~~ of
Town
~~Village~~

SCIPIO

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 09 2005

Local Law No. 1 of the year 2005

MISCELLANEOUS
& STATE RECORDS

A local law amending Local Law No. 3 for the Year 1989, Zoning Law of the Town of
(Insert Title)
Scipio, Specifically, adding new Article XIV regulating the permitted
use of small wind turbines.

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

~~County~~
~~City~~ of
Town
~~Village~~

Scipio

as follows:

(See attached full text of law)

(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 05 of the ~~(County)(City)(Town)(Village)~~ of Scipio was duly passed by the Town Board on May 4 20 05, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. 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.
(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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (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.
(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 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.

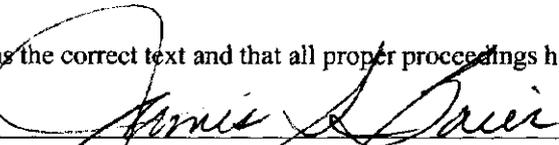

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
JUDITH ROWLANDS, Scipio Town Clerk
Date: May 4, 2005

(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 JAMES S. BALER
Title Town Attorney

~~County~~
~~City~~ of Scipio
Town
~~Village~~

Date: May 4, 2005

LOCAL LAW NO. 1

FOR THE YEAR 2005

TOWN OF SCIPIO, CAYUGA COUNTY, NEW YORK

**AMENDING LOCAL LAW NO. 3 FOR THE YEAR 1989, ZONING LAW OF THE
TOWN OF SCIPIO, SPECIFICALLY, ADDING NEW ARTICLE XIV
REGULATING THE PERMITTED USE OF SMALL WIND TURBINES**

ARTICLE XIV PERMITTED USE REGULATION FOR SMALL WIND TURBINES

Section 1401 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 Scipio 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 Scipio to permit installation of these systems, as specified. No other local ordinance, policy, or regulation shall be the basis to deny the siting and operation of a small wind energy system. This regulation also requires the Town of Scipio to approve an application for a building permit for a small wind energy system by right if the criteria below are met and authorizes the Town of Scipio to charge a fee of not more than ONE HUNDRED AND 00/100 DOLLARS (\$100.00) per small wind energy system. If any portion of the proposed small wind energy system does not meet the requirements set under this regulation, a zoning variance will be required.

Section 1402 Findings

The Town of Scipio finds that wind energy is an abundant, renewable, and nonpolluting 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 resources. 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.

Section 1403 Specific – Definitions

A. 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 250 kW and which is intended to primarily reduce on-site consumption of utility power.

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 1404 Permitted Use

Small Wind Energy Systems shall be a permitted use in all zoning classifications where structures of any type are allowed, subject to the following requirements:

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 system is to be located. Notice and proof of service of said Notice shall be in the form as provided by the Town of Scipio and shall become part of the building permit application.

B. Tower heights of not more than 120 feet shall be allowed on parcels between one and five acres. For property sizes of five acres or more, there is no limitation on tower height, except as imposed by FAA regulations, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

C. Setbacks/Fall Zones for the system tower shall be no closer in any direction to any adjoining properties so as to assure that, in the event of a failure of any kind, no part of the system shall fall on an adjoining property. 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 a determination that the manner of installation conforms to the National Electric Code.

E. Decibel levels for the system shall not exceed 60 decibels (dBA) 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 (FAA) requirements, including Part 77 of Title 14 of the Code of 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 the wind energy system shall be issued until evidence has been given that the utility company has been informed of the customer's intent. Off-grid systems shall be exempt from this requirement.

Section 1405 Public Hearing

If the proposed small wind energy system meets the above criteria, this regulation requires the Town of Scipio 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 zoning variance will be required and a public hearing may be necessary.

Section 1406 Effective Date

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State or on the twentieth (20) day after it shall have been adopted, whichever shall appear first.