

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
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 and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK

FILED

JUN 07 2006

County
City

of CHAMPION

Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 2006

A local law A Local Law creating a 180 day Moratorium on Construction of Wind Energy Facilities

Be It enacted by

Town Board

of the

(Name of Legislative Body)

County
City

of Town of Champion

as follows:

Town
Village

Section 1. Title. This Local Law shall be referred to as the "Temporary 180 Day Moratorium on Construction of Wind Energy Facilities."

Section 2. Definitions.

A. Wind Energy Facility as used in this Law shall mean any structure used for the generation of electrical energy through wind power including wind mills or wind turbines.

Section 3. Purpose and Intent. Pursuant to the statutory powers vested in the Town of Champion to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary 180 day moratorium on the establishment, placement, construction, enlargement or erection of Wind Energy Facilities.

The Town of Champion has inadequate zoning regulations governing the construction of Wind Energy Facilities within the Town. It is clear that application for the construction of these facilities will be multiplying in the near future due to the increase in energy needs in the United States. The location of the Town of

Champion along the Black River with its scenic resources obliges the Town to place in effect the best possible regulations to govern the location and placement of Wind Energy Facilities. These regulations will encourage and foster the development of alternative energy within the Town while protecting the natural and scenic resources of the area through proper regulation of land use in the placement of the Wind Energy Facilities.

The Town of Champion's present failure to adequately regulate Wind Energy Facilities in the face of past and anticipated applications, represents a clear and obvious deficiency in the Town of Champion's system of land use regulation.

The Town Board desires to address the establishment, placement, construction, enlargement and erection of Wind Energy Facilities on a comprehensive Town-wide basis, and to adopt a zoning ordinance to regulate same.

Section 4. Scope of Controls.

- A. During the effective period of this Local Law:
 - 1) The Town Board shall not grant any approvals which would have as the result the establishment, placement, construction, enlargement or the erection of Wind Energy Facilities.
 - 2) The Town of Champion Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or wetlands permit which would have as a result the establishment, placement, construction, enlargement or the erection of Wind Energy Facilities.
 - 3) The Zoning Board of Appeals shall not grant any variance for any use which would result in the establishment, placement, construction, enlargement or the erection of Wind Energy Facilities.
 - 4) The Zoning Enforcement Officer shall not issue any permit which would result in the establishment, placement, construction, enlargement or the erection of Wind Energy Facilities.

- B. The Town Board reserves the right to direct the Zoning Enforcement Officer or Building Code Inspector to revoke or rescind any Zoning Permits, Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 5. No Consideration of New Applications. No applications for construction effected by this Local Law or for approvals for site plan, special use permit, subdivision, variance or wetlands permit shall be considered by any board or agency of the Town of champion while this Local Law is in effect.

(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)
on _____ 2006 , 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 2006 of the (County)(City)(Town)(Village) of _____ Champion _____ was duly passed by the _____ on _____

and was (approved)(not

(Name of Legislative Body)
approved) (repassed after disapproval) by the _____ on _____
(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 November 2, 2006 , 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 2006 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) (Name of Legislative Body) by the _____ on _____ 2006 .
(Elective Chief Executive Officer*)¹

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2006 , in accordance with the applicable provisions of law.

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 2006 of the Town 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 town voting thereon at the (special)(general) election held on _____ 2006 , became operative.

6. (County local law concerning adoption of Charter.)

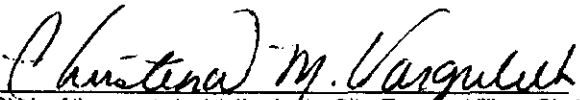
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20 _____

¹ * 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.

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
Christina M. Vargulick

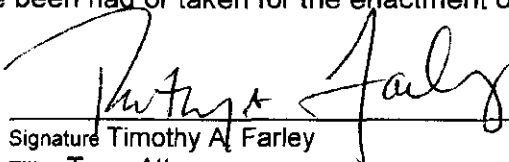
(Seal)

Date: 6/5/06

(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 JEFFERSON

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 Timothy A. Farley
Title: Town Attorney
Town of Champion
Date: 6/5/06