

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.

County
City

of CHAMPION

Town
Village

Local Law No. 4 of the year 2006

A local law A Local Law amending the current Town Sewer Use Law

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

County
City

of Town of Champion as follows:

Town
Village

Article 1. – Statement of Authority. The Town Board of the Town of Champion, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enact as follows:

Article 2. – Statement of Purpose and Findings. The Town Board of the Town of Champion hereby finds that several inquiries have been made concerning placement of wind power generating facilities in the Town of Champion. The Town of Champion Zoning Law does not adequately address development issues related to wind power. It is the purpose of these amendments to provide certain regulations regarding set backs and other requirements relative to wind power generating facilities.

Article 3. – Enactment. The Town Board of the Town of Champion does hereby amend the Town of Champion Zoning Law as follows:

- a) Add and revise definitions in **ARTICLE 2. Definitions**, as follows:
Essential Facilities – The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas substations, water treatment, storage and transmission facilities; pumping stations; and similar facilities. **The definition of essential services shall not include minor or major wind power generating facilities.**

Wind Test Tower – A structure that is erected for the purpose of measuring wind speed and strength.

Wind Power Generating Facilities, Minor – Wind generating facilities which generate original power on site that are erected and used for private use.

Wind Power Generating Facilities, Major – Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include minor wind power generating facilities.

b) In **ARTICLE 6 – SUPPLEMENTAL REGULATIONS**, add new section as follows:

Section 692. Minor Wind Power Generating Facilities and Wind Test Towers

- A. Setback from road right-of-way line: Minimum of 100 feet plus the height of the structure including rotor radius.
- B. Setback from side and rear lot lines: Minimum of 30 feet plus the height of the structure including rotor radius.
- C. Maximum height: 100 feet including rotor radius.

c) In **Section 535 – Specific Site Plan Review Criteria**, add new section as follows:
Section 535.

G. Major Wind Power Generating Facilities

1. Setback from road right-of-way lines: 1000 feet plus the height of the structure including rotor radius, minimum on all state highways and 500 feet plus the height of the structure, including rotor radius, minimum on all other roads.
2. Setback from side and rear lot lines: 300 feet plus the height of the structure, including rotor radius, minimum. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. The Planning Board may waive setback requirements from adjacent property lines if such adjacent properties are also participating in the siting of the wind power project.
3. Setback from any existing residential structures: 1000 feet minimum.
4. Setback from village boundary line: 1500 feet minimum.
5. Landscape and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is required to screen accessory structures from adjacent residences.
6. All electrical generating equipment, electrical storage equipment, transformers and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
7. Noise. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced by wind turbine tower operation shall not exceed 55 decibels, measured at the boundaries of all the closest parcels that are owned by non-owners of wind turbine tower sites that abut wind turbine tower site parcel(s), at the tower owner's expense.
8. Compliance with other agency regulations. All major wind generating facilities shall comply with applicable state and federal regulations, such as FAA, prior to final approval by the planning board.
9. Lighting. Major wind generating facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
10. Removal. At the time of submittal of the application of a special use permit for a major wind power generating facility, the applicant shall submit an agreement to remove all driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower dedicated solely for use as a

major wind power generating facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve 12 consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils. At the time of obtaining a zoning permit, the applicant must provide a financial security bond or other security acceptable to the municipality for removal of the major wind power generation facility and property restoration, with the municipality as the assignee, in an amount approved by the board, but not less than \$50,000 dollars. On an annual basis the financial security bond or other security shall be reviewed and renewed. The board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the major wind power generating facility and property restoration.

d) Add to **ARTICLE 4. DISTRICT REGULATIONS**, as follows:

Section 405. Use Control Schedule

Use District	AR	R-1	R-2	B	I	H	RC
Wind Test Towers	sp	sp	sp	--	--	--	sp
Minor Wind Power Generating Facility	sp	sp	sp	--	--	--	sp
Major Wind Power Generating Facility	sp	--	--	--	--	--	--

p = zoning permit required
s = site plan review by the planning board required
sp = special use permit by the planning board required
-- = not allowed

Article 4. – Severability. If any part of this local law shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.

Article 5. – Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 4 of 2006 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town Board on November 6, 2006, in accordance with the applicable (Name of Legislative body) provisions of law.

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 2006 of the (County)(City)(Town)(Village) of _____ was duly

passed by the _____ on _____ 2006 , and was
(approved)(not approved)
(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~~
~~approved)~~
(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.

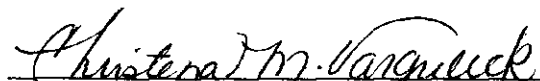
6. (County local law concerning adoption of Charter.)

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.

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____, 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 _____, above.


Clerk of the county legislative body, City/Town or Village Clerk or
officer designated by local legislative body
Christina M. Vargulick

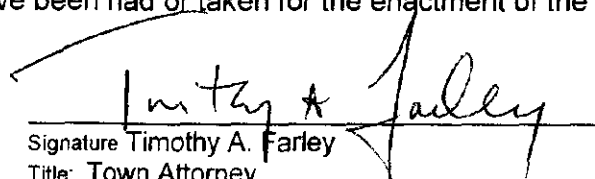
(Seal)

Date: November 15, 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 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: November 16, 2006