

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 Town Village
(Select one:)

of MARSHALL

Local Law No. 2 of the year 2010

A local law GOVERNING WINDMILLS FOR ON SITE USE
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of MARSHALL as follows:

SEE ATTACHED FOUR PAGES

(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. 2 of 2010 of the ~~(County)(City)(Town)(Village)~~ of MARSHALL TOWN BOARD *(Name of Legislative Body)* was duly passed by the on September 14 2010, in accordance with the applicable 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 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 1_____ above.

Nancy A. Matteson
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10/12/2010

(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 ONEIDA

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

[Signature]
XXy of MARSHALL
Town
XXy

Date: 10/12/10

Wind Energy Conversion Systems

These guidelines have been developed with the intention of striking an appropriate balance between the need for clean, renewable energy resources and the necessity to protect the public health, safety, and welfare.

On site use wind energy systems are sized to primarily serve the needs of a home, farm, or small business. On site use energy systems will consist of a single turbine. Windpower facilities as defined in the Town of Marshall Windpower facilities local law are not covered under this local law.

This section provides basic design criteria intended to encourage the responsible use of Wind Energy Conversion Systems (WECS) consistent with the public safety. Any and all wind driven conversion or power generating facility, windmills and wind turbines, consisting of wind turbine generators, transmission lines and accessory buildings and structures, whether to be connected to any public utility power grid or not, shall require a building permit issued by the Codes Enforcement Officer (CEO), who is acting on behalf of the Town Board.

Definitions:

1. Wind Energy Conversion System: A wind energy system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, tower and inverter housing.
2. ANSI: American National Standards Institute.
3. dB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. On Site Use Wind Energy Systems: An on Site Use Wind energy system is intended to serve the needs of the occupant.
6. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
7. FCC: The Federal Communications Commission regulates interstate and international communications by radio, television, wire, satellite and cable.
8. FAA: Federal Aviation Administration is primarily responsible for the advancement, safety and regulation of civil aviation.
9. IEEE: Institute of Electrical and Electronic Engineers

01 Application Requirements: Applications shall contain the following information:

- A. The applicant's and property owner's name, tax parcel identification number, address and phone number;
- B. Plot plan showing property lines, easements, setback lines and layout of all structures on the lot;

- C. Location of the proposed WECS in side or rear yard. Front yard placement is not permitted;
- D. Location of utility lines from the turbine and connection to the grid;
- E. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, not to connect the system to the electricity grid;
- F. Standard drawings of the structural components of the WECS, including structures, pole or tower, base, footings, guy lines where required, and guy line anchor bases. The drawing shall include the distance of these components from all property lines;
- G. Plot the location of any structures within a three hundred (300) foot radius on-site or off-site of the proposed WECS.
- H. Certification from a registered engineer or an authorized factory representative that the rotor and over speed control has been designed for the proposed use on the proposed site.
- I. National and State Standard: The applicant shall show that all applicable manufactures, New York State and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met or are being complied with. Applicant shall demonstrate SEQRA compliance. Windmills shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill permit shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York that such windmill is in compliance with such standards.

02 Safety Requirements:

The Town of Marshall promotes the effective and efficient use of WECS in a manner that the public health, safety and welfare of the neighboring property owners or occupants will not be jeopardized. To ensure that the use of the property will not result in material damage or prejudice to other properties in the area, the following requirements apply:

- A. The safety of the design of all WECS towers shall be certified by a professional engineer or by an authorized factory representative.
- B. All WECS shall be equipped with manual and automatic over speed controls to limit rotation of blades to speed below the designed limits of the conversion system. The professional engineer or authorized factory representative shall certify that the rotor and over speed control design and fabrication conform to good engineering practices.
- C. Lightning strikes/Grounding: The applicant shall show that all applicable New York State and U.S. standards for the construction, operation and maintenance of the proposed windmill have been or are being complied with.
- D. Warning signs shall be posted. The type and placement of the signs shall be determined by the CEO with the individual homeowner. Signs will at least indicate, No Trespassing, High Voltage, and Falling Ice.
- E. It is the responsibility of the property owner or applicant to contact the FCC and FAA regarding additional permits. Copies will be provided to the CEO.

F. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

G. The inverter is required to be in a self contained structure.

03 Setbacks:

- A. No part of the WECS shall be located within any required side, or rear setback area of the district in which it is located.
- B. The WECS shall be located at a distance of at least 1.25 times the height of the facility (measured from the base to the highest reach of the blade) from any structure and from all property lines.

04 Design Requirements:

- A. WECS must conform to the minimum lot size for a family dwelling. (80,000 sq. ft.)
- B. Aesthetics: The WECS shall be designed and placed in such a manner to minimize to the greatest extent feasible, all adverse visual impacts on neighboring areas. The colors and surface treatment of the WECS cannot be altered from the original manufacturer design. The system tower and blades shall be a non-reflective, unobtrusive color.
- C. The total windmill height may be 130 feet or less. The allowed height shall be reduced if necessary to comply with setback requirements of this law and all applicable FAA requirements.
- D. Height: The minimum height of the lowest position of the WECS blade shall be at least thirty (30) feet above the ground and forty (40) feet above the highest structure within a three hundred (300) foot radius.
- E. Fence: All towers or poles must be inaccessible by design or protected by anti-climbing devices such as:
 - 1. Fences with locking portals at least six (6) feet high;
 - 2. Anti-climbing devices twelve (12) feet from base of the pole;
- F. Noise: Operational noise, as measured by the latest standards of the American Standards Institute, shall not exceed fifty-five (55) decibels, measured at the property line of the property on which the WECS has been installed except for temporary construction or maintenance.
- G. Lighting: Lighting of the exterior of the facility shall be prohibited, unless required by the FAA.
- H. Only one WECS tower per lot shall be allowed.
- I. Ornamental: Systems that are by nature ornamental, rather than functional, shall be exempt from attaining a permit if the total height is less than thirty-five (35) feet.

05 Interference:

The WECS shall be operated such that no disrupting electromagnetic interference is caused. If it is determined that a WECS is causing electromagnetic interference, the operator shall take necessary corrective action to eliminate this interference including relocation or removal of the facilities, within 30 calendar days of notification by the CEO.

06 Abandonment of Use:

A small wind energy system which is not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

07 Revocation:

Failure to abide by and faithfully comply with the requirements of this ~~law~~ or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town.

08 Pre-existing Windmills:

Any windmills in existence on the effective date of this ~~law~~ shall be permitted to remain provided the owner applies for and receives a permit from the Town of Marshall within one (1) year of such effective date of this Local ~~Law~~ and all provisions hereof. If the owner of a windmill does not receive a permit within one year of the effective date of this Local ~~Law~~ the windmill shall be removed by the owner. "Existing" or in "existence" means that the windmill is in place and operational on the site.

09 Variance:

A variance may be granted as defined in the Town of Marshall Zoning Ordinance as outlined in section 267-a of Town Law.