

(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 Yates, Orleans County, New York
Town
Village

Local Law No. 1 of the year 2018.

A local law Amending Section 591 (Wind Energy Facilities Law) of the
Zoning Regulation of the Town of Yates
(Insert Title)

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

County
City of Yates, Orleans County, New York as follows:
Town
Village

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to Section 591, entitled “Wind Energy Facilities Law,” which are as follows:

Section 1: Section 591(H)(2)(a) is hereby amended to add subsection (iii) to read in its entirety as follows:

- (iii) From the Lake Ontario shoreline:
 - (1) Three miles.

Section 2: Section 591(H)(2)(c) is hereby amended, to read in its entirety as follows:

- c) From the Project Property Line (property lines of Non-Participant properties):
 - (i) 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

Section 3: Section 591(H)(2)(d) is hereby amended, to read in its entirety as follows:

- d) From all public road and highway rights-of-way:
 - (i) 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

Section 4: Section 591(H)(2)(f) is hereby amended, to read in its entirety as follows:

- f) From the boundary of any village or hamlet:
 - (i) 1 mile.

Section 5: Section 591(H)(2)(g) is hereby amended, to read in its entirety as follows:

- g) From all boundaries with other towns:
 - (i) 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

Section 6: Section 591(H)(2)(h) is hereby amended, to read in its entirety as follows:

- h) From residences:
 - (i) 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

Section 7: Section 591(H)(2)(i) is hereby added, to read in its entirety as follows:

- i) From schools, churches, and cemeteries, measured from the property line of such uses:
 - (i) 1 mile.

Section 8: Table 1, set forth in Section 591(H)(26)(b) is hereby amended, to read in its entirety as follows:

Table 1. WECS noise limits at residential receivers:
(1 Hour LEQ Derived Per ANSI S12.9 Part 4 and S12.100)

	Daytime – 7AM to 8PM	Nighttime – 8PM to 7AM
A-weighted level	42	39

Section 9: Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with the Municipal Home Rule Law. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

(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 2018, of the (~~County~~) (~~City~~) (Town) (~~Village~~) of Yates, New York was duly passed by the Town Board on _____, 2018, 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~~) _____ was duly passed by the _____ on _____ 20____, and was (repassed after disapproval) by the _____ and was deemed duly adopted 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 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.

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 _____ (Name of Legislative Body) on _____ 20____, and was (approved) (~~not disapproved~~) (~~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 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 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 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.

(SEAL)

Town Clerk, Town of Yates

Date: _____, 2018