

Local Law Filing

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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 OF LEWIS

Local Law No. 4 of the Year 2018

A LOCAL LAW REQUIRING BUILDING PERMITS FOR ALL COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

SECTION 1. AUTHORITY

This Local Law is adopted pursuant to authority provided under the New York State Constitution, Article 9 §2, and New York Municipal Home Rule Law § 10.

SECTION 2. TITLE

This Local Law shall be known as “**A LOCAL LAW REQUIRING BUILDING PERMITS FOR ALL COMMERCIAL WIND ENERGY CONVERSION SYSTEMS.**”

SECTION 3. PURPOSE AND FINDINGS

A. The purpose of this Local Law is to provide for building permits for the construction and operation of wind energy conversion systems (“WECS”) located within the County of Lewis, and to regulate their reasonable installation and construction conditions by permit in order to protect public health and safety.

B. The County of Lewis is committed to the development of renewable energy resources in an effort to promote green energy and to reduce its carbon footprint. Wind energy is an abundant, renewable and nonpolluting energy resource in Lewis County, which when converted to electricity will reduce dependence on nonrenewable energy sources, and decrease pollutants that are traditionally associated with the production of electricity from conventional carbon energy sources.

C. Conversion of wind energy to electricity requires the construction and operation of Wind Energy Conversion System(s) (“WECS”), consisting of one or more wind turbines and

other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities directly associated with measuring, converting and transmitting energy produced from the wind and then converted to electric generation.

D. The construction of Wind Energy Conversion Systems (WECS) involves the installation of engineered structures and accessory facilities. Potential failure of these structures and systems, which can adversely affect the health and safety of workers, property owners and the general public, can be minimized by a permit system and procedure which requires periodic inspections to insure proper installation, construction, maintenance and appropriate safety measures during all processes.

E. The County of Lewis finds and declares that the impact of WECS upon the health and safety of the residents of and visitors to the County necessitate the implementation of building permits for all commercial wind energy conversion systems.

SECTION 4. APPLICABILITY

A. By enactment of this local law, the County of Lewis declares that a building permit shall be required and issued prior to the construction and operation of Wind Energy Conversion System(s). This law extends to and includes alterations(s) of and to existing Wind Energy Conversion Systems as well as wind measurement towers erected for the purpose of testing the feasibility of wind energy generation.

B. This local law is separate from and is in addition to any Federal, State, Local, Town or Village law and/or regulation pertaining to zoning and the location and placement of Wind Energy Conversion Systems within the County of Lewis.

SECTION 5. PERMITS

A. No wind energy conversion system shall be constructed, reconstructed, and/or altered for operation in the County of Lewis without a Wind Energy Facility Permit issued by the County of Lewis through its Building Code Department as provided under this law. This law applies to such wind energy conversion systems in all Towns and Villages within Lewis County that have opted out of the enforcement of the Uniform Fire Prevention and Building Codes, and ceded administration and enforcement of same to the County of Lewis.

B. A permit under this law shall not be required for mechanical, non-electrical wind turbines utilized for applicant's onsite agricultural activities.

C. A commercial permit under this law shall not be required for those wind energy conversion systems whose end use is limited to the onsite single residential structure/dwelling and/or agricultural structure where the system is located.

SECTION 6 . DEFINITIONS

As used in this law, the following terms shall have the meanings indicated:

Wind Energy Conversion System/Wind Turbine: A machine that converts the kinetic energy in the wind into a usable form of mechanical or electrical energy (commonly known as a "wind

turbine” or “windmill”). The WECS includes all parts of the system, including but not limited to the tower, the concrete platform, turbine housing and associated controls, conversion electronics and equipment contained within or atop the tower together with associated control, electronics and equipment. The turbine may be on a horizontal or vertical axis, rotor or propeller.

Accessory Facilities or Equipment: Any structure and other equipment other than a Wind Turbine, related to the use and purpose of deriving, collecting or distributing energy from such wind turbines, located on or associated with the WECS or a Wind Measurement Tower.

Wind Measurement Tower: A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

Permit: A permit issued pursuant to this law granting the holder the right to install, construct and Operate a Wind Energy Conversion System or Wind Measurement Tower.

Applicant: Owner/Operator/Developer (with authorization from land owner) of a Wind Energy Conversion Device/System/Farm.

SECTION 7. PERMITTING PROCEDURE

A. Prior to the issuance of a WECS building permit, the applicant shall have complied with any local municipalities’ zoning and planning board procedures and approvals, and shall comply with any other Federal, State, and Local government laws, regulations and applicable processes. The applicant shall provide proof of compliance of the above to the County Building Code Official with submission of the permit application.

B. Simultaneously with submission of the permit application required herein, the Applicant shall pay the permit fee established by the Lewis County Board of Legislators by Resolution, or as may be amended by Resolution of said Board from time to time.

C. Upon review of the application, design documents, specifications, applicable zoning and planning board approvals, if required, together with any other documents the Code Official may request, and payment of the permit fee, the County Building Code Official may issue a Building Permit valid for a period of three (3) years or until the project is completed, whichever event occurs first. If the WECS is not completed within said period of time, the applicant must re-apply and submit a request for renewal of the permit for an additional period of time to be determined by the Building Code Official. The applicant must pay an additional permit fee upon such re-application/renewal in accordance with the permit fee in effect at that time.

D. The County of Lewis designates the onsite engineers of the owner/operator/developer and the third party inspection agents employed by the owner/operator/developer as special inspectors. Such special inspectors are responsible for geotechnical evaluations, inspection of reinforcement and concrete sump and placement, tower foundation anchorage, structural erection of the tower, certification of all welded/bolt connections, certification of electrical, mechanical, life safety and final commissioning of the Wind Energy Conversion System and associated equipment and facilities. Said certifications shall be submitted to the County Building Code Official.

E. If at any time during the permitting process the owner/operator/developer fails to abide by the procedures and technical building specifications of the County Building Code Official, the owner/operator/developer may be subject to a Stop Work Order issued by the Building Code Official.

F. Upon completion of the project and prior to distribution of energy to the Grid, the owner/operator/developer's engineer(s)/third party inspection agents shall certify in writing to the County Building Code Official that the foundation, structural components, tower and compatibility of the tower with the rotor and rotor-related equipment are all sound and meet the manufacturers' recommended specifications and warranties.

G. Upon completion of the project and prior to distribution of energy to the Grid, the owner/operator/developer's engineer(s)/ third party inspection agents shall certify in writing to the County Building Code Official, that the electrical system(s) is in compliance with accepted electrical engineering practices and pursuant to the provisions of the National Electrical Code as adopted by New York State.

H. Upon completion of the project and prior to distribution of energy to the Grid, the owner/operator/developer's engineer(s)/ third party inspection agents shall certify in writing to the County Building Code Official that turbines, rotors, and rotor over speed control systems are compliant with manufactures installation recommendations and design specifications.

I. Upon receipt of any and all required certifications from the special inspectors, the Lewis County Building Code Official shall make a final site visit, and if all is in satisfactory condition and compliance, shall issue a Certificate of Completion.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph or section of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon all legal requirements being met and filing with the Secretary of State.

(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 2018, of the County of Lewis was duly passed by the Lewis County Board of Legislators on December 20, 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 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.~~

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.~~

4. ~~(Subject to a 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 of Lewis was duly passed by the Lewis County Board of Legislators 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.~~

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.~~

* 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.

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 the 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.

Teresa Clark

TERESA CLARK, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS

Dated: December 21, 2018.



(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 LEWIS) ss:

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.

Joan E. McNichol

JOAN E. McNICHOL, ESQ.
LEWIS COUNTY ATTORNEY

Dated: December 21, 2018.

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Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 15th inst.

in relation to the above mentioned matter.

James Earl



Very truly yours,

Special Agent in Charge

Federal Bureau of Investigation

Washington, D. C.

Enclosed for you are two copies of the report of the Special Agent in Charge, New York, dated and captioned as above.

Very truly yours,

Special Agent in Charge

Federal Bureau of Investigation

Washington, D. C.