

Town of Oswego
Local Law 3-2010 amending Local 2-2008
Section 4: Bonding
Wind Energy Conversion Systems

Section 1: Intent:

In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, the Town of Oswego find these regulations are necessary to ensure the wind energy conversion systems are appropriately designed and safely sited and installed.

This local law establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

Section 2: Definitions:

Wind Energy Conversion Systems (WECS): A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power. A system is considered a wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Tower: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

Section 3: Regulations:

WECS shall require a special permit granted by the Planning Board. WECS shall be a permitted use in all zoning classifications except in an R-1 district where it is prohibited; all others subject to certain requirements as set forth below:

- A. **Site Plan Review Required:** A site plan drawn by a licensed professional shall show the following:
1. **Tower height:** Location of the tower on site and the tower height, including blades, rotor diameter and ground clearance. The height of the towers in the Town of Oswego must comply with all Federal, State, Town and FAA regulations.
 2. **Utility Lines:** Both above and below ground, within a radius equal to the proposed tower height, including blades.
 3. **Clearance of Blade:** No portion of the wind energy system shall extend within (30) thirty feet of the ground. No blades may extend over parking areas, driveways or sidewalks.
 4. **Set-back:** No part of the wind system structure, including guy wire anchors, may extend closer than (10) ten feet to the property boundaries of the installation site. Set backs for the system tower shall be no closer to the property line than the height of the system.

- 5. Automatic Over Speed Controls:** All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.
- 6. Sound:** WECS shall not exceed 65 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- 7. Approved Wind Turbines:** Wind turbines must be approved under an Emerging Technology program such as the California Energy Commission, IEC or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.
- 8. Compliance with Uniform Building Code:** Building permit applications for wind systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall be required.
- 9. Compliance with FAA Regulations:** Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 10. Compliance with National Electric Code:** Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. An inspection conducted by a certified electrical inspector or the utility company with documentation of compliance to Code Enforcement Officer.
- 11. Compliance with State Environment Review Act:** SEQRA The planning board may require the submission of full or short SEQRA form as well as a Visual Environment Assessment Form.
- 12. Transmission Lines:** All power transmission lines from the WECS to onsite distribution point shall be underground.
- 13. Electromagnet Interference:** WECS generators and alternators shall be properly filtered and/or shielded in order to avoid electromagnetic interference and shall comply with the rules and regulations of the Federal Communications Commission contained in 47 CFR Parts 15 and 18.

Section 4: Bonding:

Proof of bonding shall be required before the issuance of a permit to erect/install a windmill or a wind energy conversion system (WECS). The bonding shall be an amount equal to the cost plus 10% of the installation and construction of the windmill or WECS. WECS used primarily for powering the improvements on the property on which they are located are exempt from the bonding requirements.

Section 5: On Site Inspection:

The owner of each WECS shall have it inspected at least every (2) two years for structural and operational integrity by a NYS licensed professional engineer, and shall submit a copy of the inspection report to the Code Enforcement Officer (CEO). If such report recommends that repairs or maintenance are to be conducted, the owner shall provide to the CEO a written schedule of the repairs or maintenance. Failure to complete such repairs or maintenance may result in the forfeiture of the special permit and may result in the imposed removal of the WECS.

Section 6: Abandonment of Use:

A windmill or WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Removal of the system shall include removal of the entire structure including foundations, transmission equipment and fencing from the property. Failure to abide by and faithfully comply with this section 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 building permit by the Town of Oswego.

Section 7: Penalties:

Any person who violates any provision of this Local Law shall be guilty of an offense under the current Local Law for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code.

Section 8: Severability:

Should any portion whatsoever of this Local Law be held invalid or unenforceable for any reason by any Court or competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions thereof.

Section 9: Effective Date:

This local law shall take effect immediately upon filing with the Department of State.