

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 Lyme

Local Law No. 5 of the year 2012

A local law to place a moratorium for a period through April 10, 2013, on applications or proceedings
(Insert Title)
of applications for Wind Power Generating Facilities and Solar and Biomass Conversion

Systems to allow the Town Board to consider and implement sufficient regulations.

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

County City Town Village
(Select one.)

of Lyme as follows:

Article 1. - Statement of Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Lyme has been made aware of interest in Small Wind Power Generating Facilities as well as Solar and Biomass Conversion Systems and the desire to locate in the area. At the same time, the Town Board is aware that there have been complaints and questions about the establishment of such in Small Wind Power Generating Facilities as well as Solar and Biomass Conversion Systems being located in the area. Currently, the Town of Lyme Code does not contain provisions for regulation of such facilities and conversion systems. It is the purpose of this local law to place a moratorium for a period through April 10, 2013, on applications or proceedings of applications for Wind Power Generating Facilities and Solar and Biomass Conversion Systems to allow the Town Board to consider and implement sufficient regulations.

Article 3. - Enactment. The Town Board of the Town of Lyme does hereby enact as follows:

Section 1. Definitions

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Small Wind Generating Facilities: ("Small WECS") - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily generate on-site power or reduce on-site consumption of utility power.

Solar Conversion System: an arrangement or combination of solar energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical or electrical energy by the collection of solar energy and its conversion, storage, protection and distribution

Biomass Conversion System: Any plant-derived organic matter. Biomass available for energy on a sustainable basis includes herbaceous and woody energy crops, agricultural food and feed crops, agricultural crop residues, wood residues. "For personal use, a Biomass Conversion System would be any integrated components designed to utilize the energy (heat) resulting from the combustion of these materials.

Section 2.

Commencing with the effective date of this local law and for a period through April 10, 2013, no person shall be allowed a permit to site or locate small wind power generating facilities, solar conversion system or biomass conversion system as defined in this law within the Town of Lyme.

Article 4. - Severability. If any part of this Chapter 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 Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon 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. 5 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Town was duly passed by the Town Board on November 14, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Final adoption by local legislative body with approval, 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.
(Elective Chief Executive Officer)*

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____.
(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) (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.

Kim Wallace

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 2, 2012

(Seal)