LOCAL LAW FILING

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STATE OF NEW YORK
DEPARTMENT OF STATE
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MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ **of**
Town **STOCKTON**
~~Village~~

Local Law No. 1 of the year 2005.

A local law for the year 2005 regarding the adoption of a local law for the year 2005 amending Local Law No. 1 of 1994 entitled "The Zoning Law for the Town of Stockton" adding Article XVI, Wind Energy Conversion Systems.

Be it enacted by the Town Board **of the**

~~County~~
~~City~~ **of**
Town **STOCKTON**
~~Village~~

Town of Stockton

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1601 – LEGISLATIVE INTENT

The Town of Stockton recognizes the increased demand for converting wind energy into electrical energy. The intent of this local law is to regulate wind energy conversion systems (wind turbines) in the Town of Stockton. The intent of this local law is for the provision of commercial and non-commercial wind-powered electricity generation in facilities so that they may be developed in a manner hereby deemed to be compatible with the general health, welfare and safety of the residents of the Town of Stockton. Further more, to address the visual, aesthetic and land use compatibility aspects of wind energy conversion systems (WECS)

SECTION 1602 – DEFINITIONS

Accessory Facility or Equipment: Any structure other than a wind turbine, related to the use and purpose of deriving energy from such towers, located at the tower facility.

Nacelle: The portion of the wind turbine that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

Siting Agency: The applicant, person or persons who are applying to site a wind energy-deriving tower facility.

Tower Facility: Site where one or more wind energy conversion systems or wind turbines will be located, including all accessory facilities or equipment.

Use – Shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1602 – DEFINITIONS (continued)

WIND ENERGY CONVERSION SYSTEM (WECS)- Shall mean any mechanism including any tower, pole or other structure, whether attached to a building, guyed, or free standing, designed to be used for the support of a rotor that consists of blades and hub as well as a nacelle and generator, for the purpose of converting wind energy into electrical energy. WECS may be:

1. Commercial- A WECS that is the prime use on a parcel of land and supplies electrical power for off-site use. A turbine with power ratings greater than 80kw shall be deemed commercial.

2. Non-commercial- A WECS that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, except that when a parcel on which a non-commercial WECS is installed also receives electrical power supplied by a utility company, excess electrical power generated by a non-commercial WECS and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by the company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power. A turbine with power ratings of 80kw or less shall be deemed non-commercial.

SECTION 1603 – AUTHORITY

The Zoning Board of Appeals is hereby authorized to approve, approve with conditions, or disapprove wind energy conversion system facility applications in accordance with this Local Law. The Zoning Board of Appeals may hire a professional Engineer or consultant to assist in the review of an application at the applicant's expense.

SECTION 1604 – PROCEDURE

A. Completed applications for siting WECS facilities shall be submitted to the Zoning Board of Appeals secretary at least ten (10) days prior to the regular meeting of the Zoning Board of Appeals on a form provided by the Zoning Enforcement Officer and shall be accompanied by a fee set by the Town Board. Applications shall be made by the owner of the property or his/her duly authorized representative, who shall attend the meeting of the Zoning Board of Appeals to discuss the application. Any application deemed incomplete by the Code Enforcement Officer or the Zoning Board of Appeals shall be returned to the applicant and no action shall be undertaken by the Town or its officer or board.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1604 – PROCEDURE (continued)

B. As part of the approval process, within ten (10) days of receipt of the complete application for a Special Use Permit approval, the Zoning Board of Appeals shall refer the project to the Town Planning Board for review. The Planning Board may make recommendations to the Zoning Board of Appeals within twenty-one (21) days from the date of referral from the Zoning Board of Appeals. This time period may be extended by mutual consent of the applicant, the Planning Board and the Zoning Board of Appeals. The failure of the Planning Board to make recommendations or the Zoning Board of Appeals refusal to adopt any of the recommendations of the Planning Board shall not affect the validity of the Zoning Board Of Appeal's decision in the matter.

C. Public Hearing
After reviewing the site plan and recommendations, if any, from other involved Town or County Agencies, the Zoning Board of Appeals shall hold a Public Hearing, which Public Hearing shall be held within sixty-two (62) days from the day the application is received by the Zoning Board of Appeals. Notices of the Public Hearing shall be mailed to adjacent property owners within five hundred (500) feet from the property line, at least ten (10) days prior to the date of the hearing. The Public Hearing shall be advertised at least ten (10) days prior to the hearing, at least once in a newspaper determined by the Town Board as the official paper.

D. Final Special Use Permit and Site Plan
A final site plan for the Special Use Permit application shall substantially conform to the site plan that has been approved, incorporating any revisions or other features recommended by the Zoning Enforcement Officer or the Zoning Board of Appeals.

E. State Environmental Quality Review Act Form - Applicant shall furnish a full State Environmental Quality Review Act Form (EAF) to the Board as part of its application. All SEQR regulations shall be thoroughly complied with and all SEQR forms regarding the proposed project will be completed, signed and submitted by the applicant as part of its application to the Board. Any questions or concerns regarding the SEQR process should be addressed to the New York State Department of Environmental Conservation (NYSDEC).

ARTICLE XVI
WIND ENERGY CONVERSION SY. 'EMS

SECTION 1604 – PROCEDURE (con ıued)

F. Zoning Board of Appeals A **'on** – Within sixty-two (62) days from the date of the public hearing, the Zo g Board of Appeals shall render a decision of approval, conditional approv ɔr disapproval. This time period may be extended by mutual consent the applicant and the Board. The decision of the Zoning Board of Appeals ıall be filed in the Office of the Town Clerk within five (5) business days :er such decision is rendered, and a copy thereof mailed to the applica

G. Conditions attached to the Issuance of Special Use Permits.

The Zoning Board of Appeals shall have the authority to impose reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town.

H. Reimbursable Costs.

Costs incurred by the Zoning Board of Appeals for consultation fees or other extraordinary expense in connection with the review of a proposed special use permit shall be charged to the applicant.

SECTION 1605- WIND ENERGY CONVERSION SYSTEM FACILITY PERMIT REQUIRED

No Wind Energy Conversion System shall be sited, located, constructed, erected or modified without the issuance of a special use permit as prescribed in this article.

Any Commercial Wind Energy Facility Permit that is granted shall be used not later than four (4) years from the effective date of the Commercial Wind Energy Facility Permit; otherwise the permit shall be null and void.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1606- ZONING DISTRICTS AND BULK REQUIREMENTS

A. WECS Facilities shall be permitted in the following zones upon the issuance by the Zoning Board of Appeals of a Special Use Permit, under this article. All applications will require a site plan as provided herein. The commercial facility is to be set back a minimum of 1,000 feet from any residential dwelling, schools, church or historic structure. Setbacks from the adjacent property lines, right-of-way, easements, power lines, or areas or structures customarily used by the public shall be two times the maximum WECS height or 1.5 times the maximum engineer calculated ice or blade throw distance to the maximum point of impact, whichever is greater. The maximum WECS height permitted is four hundred (400) feet.

B. All applications for WECS Facilities exceeding 75 feet shall be treated as a Type One Action under the State Environmental Quality Review Act.

C. WECS Facilities shall only be permitted in the following zones:

1. Agricultural (A)
2. Agricultural Residential (AR)

SECTION 1607- APPLICATION REQUIREMENTS

A plan for the proposed development of a wind energy deriving tower facility shall be submitted with the application and such plan shall show and include:

A. Name of the project, boundary lines of the parcel on which the project will be located, a location map showing proposed tower location(s), date, north arrow and scale.

B. Name and address of the owner of the parcel where development is proposed, developer and seal of engineer, architect or surveyor preparing the plan.

C. Name and address of all owners of record of abutting parcels and those within Twenty-five hundred (2500) feet of the property lines of parcel where development is proposed.

D. A map showing all existing lot lines, easements and right-of-ways and a sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities and location of all existing and proposed utility systems to the facility. Also a map of all above and belowground utilities near the tower site that could possibly be impacted.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

E. A survey of the land to be leased if applicable.

F. A map showing existing and proposed topography at a maximum of five (5) foot contour intervals.

G. A landscape plan showing all existing natural land features, trees, forest cover, buildings and structures and all proposed changes to these features including size and type of plant material and erosion control measures.

H. The full State Environmental Quality Review Act (SEQRA). Nothing shall prohibit the Board from requiring an environmental impact statement if deemed necessary by the Board. WECS are considered a Type I action and require a full Environmental Assessment Form (EAF) and a visual EAF to be completed and submitted to the town.

I. Photography, assessing the visibility from the key viewpoints, existing tree lines and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as built above the ground site facilities as they would appear from distances within three (3) mile radius of such wind turbines. No fewer than four (4) and no more than the number of proposed individual wind turbines plus three (3) color photos. Pictures from specific locations may be required by the Zoning Board of Appeals and all pictures shall be no smaller than 8"x10". This requirement may be waived for non-commercial WECS.

J. Documentation of the proposed intent and capacity of energy generation as well as a justification for the height of any wind energy deriving tower and justification for any clearing required.

K. Preliminary report proposed by the wind turbine siting agency describing:

1) Surrounding topography in relation to the capabilities for generation of electricity by wind.
2) Required improvements for construction activities, including those within the public right-of-way or land controlled by the Town of Stockton.
3) Proposed mitigation measures for visual impacts of the tower facility.
4) Proposed safety measures to mitigate wind energy-deriving tower failure.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

L. Elevation map showing the wind energy-deriving tower's height and design including a cross section of the structure and components of the nacelle; the wind energy-deriving tower's compliance with the applicable structural standards and the wind energy-deriving tower's abilities in terms of producing energy.

M. A description of the general geographic areas that would be acceptable for wind projects within the Town of Stockton; furthermore, demonstration that the proposed site is the most appropriate site within the immediate area for the location of the wind energy-deriving tower facility. (May waive for non-commercial WECS)

N. Description of the applicant's long range plans which project market demand and long range facility expansion needs within the Town.

O. Digital elevation model-based project visibility map showing the impact of visibility of the project from other locations, to a distance radius of three (3) miles from the center of the project. The base map used shall be a published topographic map showing natural and structural or built features. (May waive for non-commercial WECS)

P. Report showing soil logs, soil profile analysis and storm water run-off calculations for the area being disturbed.

Q. Plans to prevent the pollution of the surface or ground water, erosion of soil, both during and after construction, excessive run-off and flooding of other properties as applicable. There should be pre-construction and post-construction drainage calculations for the site done by a New York State licensed engineer showing there will be no increase of run-off from the site.

R. All information regarding requirements for migratory bird flyways with documents by the EPA, NYS DEC or US Fish and Wildlife Service.

S. A proposed real property tax agreement pursuant to Sec. 487 of the NYS Real Property Tax Law, providing for an agreed assessment for the Town, County and School Tax Bills covering the system.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

T. All information regarding FAA rules and regulations additional permits necessary or any other applicable regulations from the Federal Communications Commission (FCC) and Federal Aviation Agency (FAA) for installation of conversion systems. Proof of compliance with the FCC and FAA regulations shall be submitted prior to the issuance of a Special Use Permit by the Zoning Board of Appeals.

U. **Ice Throw Calculations** – A report from a Professional Engineer that calculates the maximum distance that ice from the turbine blades could be thrown (The basis of the calculation and all assumptions must be disclosed).

V. **Blade Throw Calculations** – A report from a Professional Engineer that calculates the maximum distance that pieces of the turbine blades could be thrown (The basis of the calculation and all assumptions must be disclosed).

W. **Catastrophic Tower Failure** – A report from the turbine manufacturer stating:

1) The wind speed and conditions that the turbine is designed to withstand (including all assumptions)
2) The incidence of catastrophic failures and the conditions reported at the time of failure.

X. A reclamation plan, which stipulates how the site will be restored to its natural state after it ceases to be operational.

Y. **Noise Report** - A noise report that shall at a minimum include the following:

1. A description and map of the project's noise producing features, including the range of noise levels expected, and the tonal and frequency characteristics expected, and the basis of the expectation.
2. A description and map of the noise sensitive receptors, i.e., residences, libraries, schools, places of worship and other facilities where quiet is important within two (2) miles of the proposed facility.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

Z. Noise Report - A noise report that shall at a minimum include the following:**(continued)**

3. A survey and report prepared by a qualified engineer, that analyzes the pre-existing ambient noise regime (including seasonal variation), including but not limited to: separate measurements of low frequency and A-weighted noise levels across a range of wind speeds (including near cut-in), turbulence measurements, distance from the turbines, location of sensitive receptors relative to wind direction; and analyses at affected sensitive receptors located two (2) miles of the proposed project site. Potential sensitive receptors at a relatively less windy or quieter locations than the project should be emphasized.
4. A description and map showing the potential noise impacts, including estimates of expected noise impacts upon construction and operation workers, and estimates of expected noise levels at sensitive receptor locations.
5. A description and map of the cumulative noise impacts.
6. A description of the projects proposed noise control features, including specific measures proposed to protect workers, and specific measures proposed to mitigate noise impacts for sensitive receptors to a level of insignificance.
7. Identification of any problem areas.
8. Summary of Project Developer's proposed Noise Complaint Resolution Program.
9. Manufactures Noise design and field-testing data (both audible (dB (A)) and low frequency (deep base vibration) for all proposed structures.
10. A report that outlines issues and considerations for individuals that use hearing aids.

SECTION 1608- STANDARDS

The development of the wind-deriving towers and related structures may be permitted with approval by the Zoning Board of Appeals. Wind energy-deriving towers and facilities shall be subject to the following requirements:

A. Location: Applicant's for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements:

1. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the links operation.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS - (continued)

A. **Location:** Applicant's for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements (**continued**)

2. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast or reception antenna (including residential reception antenna) for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
3. No individual tower facility shall be installed in any location where there is a recognized migratory flight path for birds or at a location where birds commonly congregate, unless applicant can demonstrate that the operation of the wind energy-deriving tower will not have a significant impact on either migratory or resident birds. Conclusions of no significant impact with in these recognized areas shall be the results of studies conducted over a period of a minimum of two years by expert consultant(s), at the expense of the applicant.
4. All wind turbine towers shall be set back from adjacent property lines and any pre-existing structures. Additional set backs may be required by the Zoning Board of Appeals in order to provide for the public safety, health and welfare as stated herein. The Zoning Board of Appeals shall have the authority to grant variances as to the distance requirement where there is a WECS development on contiguous parcels and/or the Zoning Board of Appeals has sufficient information in the form of engineering data submitted by the applicant to permit the distance variance. The decision as to the variance, if any, shall be in the sole and absolute discretion of the Zoning Board of Appeals and not subject to review or appeal.
5. Individual wind turbine towers shall be located with respect to property lines so that the level of noise produced meets or exceeds the recommendations, criteria, results and concerns of the required Noise Report from Section 1607.
6. Wind Turbines shall be painted a non-obtrusive (e.g. light environmental color such as white, gray or beige) color that is non-reflective.
7. The design of commercial wind energy Facility buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility to the natural setting and existing environment.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS- (continued)

A. **Location:** Applicant's for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements (**continued**)

8. No WECS tower shall be constructed at a distance closer than one and a half times the height of the tower plus the rotor radius laterally of an overhead electrical power line (excluding secondary electrical service lines or "service drops"). The set back from the underground electrical and gas distribution lines shall be at least one and a half times the height of the tower.
9. A New York State licensed professional engineer shall certify that the construction and installation of the conversion system meets or exceeds the manufacture's construction and installation standards.

B. **Emergency Shutdown/Safety**

1. Procedures acceptable to the Zoning Board of Appeals for emergency shutdown of power generation units shall be established and posted prominently and permanently in at least one location on the road frontage of each individual commercial unit site.
2. No tower or facility shall exhibit any signs or advertising. Applicant shall post an emergency telephone number so that the appropriate people may be contacted should any wind energy-deriving tower need immediate attention.
3. No wind turbine shall be permitted to lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over spreading and excessive pressure on the tower structure, rotor blades and turbine components or nacelle. A licensed professional engineer shall certify that the rotor and over speed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.
4. The safety of the design of all conversion systems shall be certified by a licensed professional engineer experienced in WECS. The standard for certification shall be good engineering practices and shall conform to New York State and Chautauqua's officially adopted building and electrical codes.
5. The minimum distance between the ground and any part of the rotor blade should be thirty (30) feet.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS –(continued)

C. Lighting

1. Wind energy turbine towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA), or to avert avian collisions if recommended by an expert consultant.
2. Use of night time and overcast daytime condition, non-blinking red lighting to satisfy tower facility lighting requirements for the FAA shall be subject to on-site field testing before the Zoning Board of Appeals as a pre-requisite to the Boards approval as it applies to existing residential uses within 2000 feet of each tower for which any lighting is proposed. Any lighting, which may be required by the FAA, shall not consist of strobe lights unless of medium intensity flashing white lighting system, used only in the daylight.

D. Utility Service

All power transmission lines from the wind generation electricity generation facilities to non-site substations shall be underground.

E. Height

1. The height of any wind energy-deriving tower shall be limited to the minimum required to provide needed energy by demonstrated demand, or need.
2. Non-Commercial WECS shall not exceed a total of seventy-five (75) feet unless the parcel on which the WECS is to be located is ten (10) acres or more, in which case the maximum height of the tower, excluding the turbine and blades, shall be 100 feet.
3. Commercial WECS shall not exceed a total height of 400 feet, including the turbine and blades.

F. Access Road

Existing roadways shall be used for access to the site whenever possible. In the case of constructing roadways, they shall be constructed in a way so that they do disrupt normal drainage patterns, and are not conspicuous to the surrounding environment.

G. Accessory Structures/Facilities

Transmission facilities and or buildings shall be located behind ridges or vegetation to screen from visibility. Removal of trees and other vegetation on the site shall affect the minimum area and number of trees possible to minimize soil erosion.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS (continued)

H. Security Provisions

1. No climbing device of any kind shall be attached to the outside of a commercial WECS. Only internal ladders with locked doors.
2. All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
   A. Fences with locking portals at least eight (8) feet high.
   B. Anti-climbing devices twelve (12) feet from the base of the pole.
   C. Anchor points for guy wires supporting a tower shall be enclosed by an eight (8) foot-high fence or shall be located within the confines of a yard, which is completely fenced.
3. A WECS is prohibited upon the roof of any structure unless the structure has been approved for installation of a conversion system by a structural engineer certified by the State of New York.

I. Compliance with National Electrical Code

1. Building permit applications shall be accompanied by a one line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner conforms to the National Electrical Code. The application shall include a statement from a New York State licensed professional engineer indicating that the electrical system conforms to good engineering practices and complies with the National Electrical Code. The manufacturer normally supplies this certification. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
2. All electrical components, storage facilities, wire conduit and inter connections with utility companies shall conform to national, state, county and local codes. To minimize fire hazard, all electrical wiring shall be placed under ground in conformance with all applicable codes. All electrical lines shall be placed in compliance with the current electrical code standards and appropriately marked and identified as specified by the Town. A visible warning sign of "High Voltage" will be placed at the base of all WECS. The letters on the sign shall be a minimum of six (6) inches in height.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS (continued)

J. Liability

Prior to issuance of a Building Permit, the applicant shall provide the Town with proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure or operation of a tower or towers or any other part (s) of the generation and transmission facility.

K. Abatement

1. If any WECS remains non-functional or inoperative for a continuous period of six (6) months, the Permittee shall remove the WECS at their expense. Removal of the system shall include the removal of the entire structure, including foundations and transmission equipment from the property. The applicant must provide the Town with notice of discontinued use of any WECS within thirty (30) days of such discontinuance.
2. **Bond/Security**- All successful applicants shall furnish and file with the Town Clerk a bond or other form of security in the amount of one million dollars ($1,000,000.00) to cover damage to any Town property. The bond shall remain in valid and enforceable during the entire time the facility is permitted and for such reasonable time thereafter as may be necessary to ensure that potential damage to Town property has not occurred during the construction phase of the project. The special use permit shall also require a successful applicant to execute and file with the Town Clerk a separate bond or other form of security acceptable to the Town Board and Town Attorney in an amount sufficient to ensure the faithful removal of the WECS and the restoration of the site subsequent to its removal. The amount of the bond or security shall be no less than 125% of the estimated cost of the removal of the WECS and restoration of the site, determined by a Professional Engineer. Estimate WECS removal costs and site restoration costs, should be reviewed and updated at least once every five (5) years or as deemed necessary by the Town.
3. If removal of towers and appurtenant facilities is required and the applicant, permit holder, or successors fails to remove the towers and appurtenant facilities from the property within thirty (30) days from the date of notification by the Town Board, the Board shall contract for

such removal and pay for removal from the bond.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS – (continued)

L. Right of Entry and Inspection

1. The Code Enforcement Officer or any duly authorized agent of the Town shall be allowed to enter on the property and make such inspections as deemed necessary during the construction and assembly of the WECS.

2. Following construction, the Code Enforcement Officer or a registered professional engineer retained by the Town shall have the right at any reasonable time to enter in the company of the owner, or his agent, the premises on which the WECS has been constructed to inspect all parts of its tower and installation. They can require that repairs or alterations be made if, in their judgment, there exists a deficiency in the structural stability of said tower.
3. After conducting an inspection, the Code Enforcement Officer may order the owner of a WECS to render said WECS inoperative for reasons related to assuring safety of operations, abating noise or eliminating electromagnetic interference. The owner of the WECS shall not return the WECS to service until any and all of the reasons, which caused the Code Enforcement Officer to issue the order to the owner to make said WECS inoperative have been corrected to the satisfaction of the Code Enforcement Officer.

4. Prior to allowing a WECS to resume operations, The Code Enforcement Officer may require the owner of the WECS to have an inspection made and a report issued by a professional engineer licensed in the State of New York, certifying that the WECS and/or tower is safe.

M. Fees

Permit and inspection fees shall be established by the Town Board pursuant to Article VII, Section 704.