TOWN OF ALLEGANY

LOCAL LAW INTRO. NO. 1 OF 2012

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A LOCAL LAW CREATING A MORATORIUM ON THE ISSUANCE OF ANY BUILDING PERMITS OR PLANNING AND ZONING APPROVALS FOR WIND ENERGY CONVERSION SYSTEMS

Be it hereby enacted by the Town Board of the Town of Allegany as follows:

Section 1: The Town Board of the Town of Allegany hereby finds that an emergency exists which requires that the status quo be preserved while it examines its Wind Energy Conversion Systems regulating provisions, and that in order to allow for such consideration, a moratorium on the issuance of any permits or approvals is required.

Section 2: The operative date of this Local Law is the date this Local Law is introduced.

Section 3: A moratorium is hereby enacted on the issuance of any building permits or planning and zoning approvals or modifications of approvals for Wind Energy Conversion Systems to be built and/or constructed in the Town of Allegany for a period of 180 days from the operative date, the date this Local Law is introduced.

Section 4: The Town Board shall have the power to except, waive, or modify the application of any provision of this Local Law upon its determination, in its absolute legislative discretion, after a public hearing on notice, that this Local Law would impose extraordinary hardship upon a land-owner or developer, and that an exception or waiver from this legislation will not adversely affect the health, safety and general welfare of the Town of Allegany. Any

request for an exception or waiver shall be filed with the Town Clerk, and shall include a fee of Two Hundred and Fifty Dollars ($250.00) for the processing of such application. All such applications shall be promptly referred to the Town of Allegany Planning Board for a recommendation, and shall thereafter be remanded to the Town Board for a public hearing and final decision.

Section 5: If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate any other clause, sentence, paragraph, section or part of this Local Law.

Section 6: This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law, except the moratorium shall commence on the operative date, pursuant to Sections 2 and 3 of this Local Law.

PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF ALLEGANY ON THE _____ DAY OF _____, 2012.