

# LOCAL LAW NO 6

## OF

### THE YEAR 2007

#### A LOCAL LAW TO RESTRICT THE LOCATION OF WIND ENERGY SYSTEMS

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

##### Section 1. Legislative Intent

It is the intent of the Town Board of Town of Boston to restrict the location of wind energy systems for the safety of the community.

##### Section 2. The following is hereby adopted:

A "wind energy system (WES)" is any mechanism designed for the purpose of converting wind into mechanical or electrical energy. No permit for a WES shall be authorized unless the following requirements:

- A. WES shall be setback a distance of 1000 feet from any improved road or right of way and 500 feet from any side lot line or any structure. The afore-mentioned distances shall be increased by 10 feet for every 10 feet or less the WES's height exceeds 100 feet.
- B. The separation between one WES from another WES shall be a distance equal to or greater than 1½ times the tip diameter of arc as measured along the wind wall (that is, the direct lines between two WES units).
- C. All guy wires and anchors shall be located at least 10 feet from property lines, and no guy wires shall pass over any ground transmission lines.
- D. There shall be protection against climbing access or unauthorized persons. No climbing pegs shall be located closer than 12 feet to the ground level at the base of the structure for a freestanding single pole or guyed tower. A six-foot high fence with a locking gate shall be required to enclose lattice towers.
- E. The minimum distance between the ground and part of the rotor or blade system shall be 30 feet.
- F. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

- G. All power transmission lines from WES to any building or other structure shall be located underground.
- H. No television, radio or other communication antenna may be affixed to or otherwise made a part of a WES.
- I. WES shall not cause interference with radio or television broadcasting or reception or cause excessive noise exceeding that of the ambient level of noise at the property line.

### Section 3. Miscellaneous

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

### Section 4. Effective Date

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.