

LOCAL LAW #3 WIND ENERGY DERIVING TOWER MORATORIUM LAW.

Be it enacted by the Town Board of the Town of Andes as follows:

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101 Enactment and Authorization

The Town Board of the Town of Andes does HEREBY ORDAIN and ENACT the Town of Andes Moratorium on Wind Energy Deriving Towers and Transmission Facilities Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law.

Section 102 Title

This Local Law shall be known as the Town of Andes Moratorium on Wind Energy Deriving Towers and Transmission Facilities Law.

Section 103 Purpose

A. It is the purpose of this law to prevent and avoid serious detrimental health, environmental and planning conditions which threaten Town of Andes by allowing degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town of Andes.

B. It is the further purpose of this law to enable the Town of Andes to stop the construction or erection of wind energy deriving towers and associated transmission facilities for a reasonable time pending the completion of an amendment to the Town of Andes Zoning Law regulating tower siting and construction in the Town of Andes in accordance with the Town of Andes Comprehensive Plan.

ARTICLE II: Imposition of Moratorium

Section 201 Imposition of Moratorium

For a period of one hundred eighty { 180 } days from and after adoption date of this law, no application for the construction or erection of wind measurement { meteorological } towers, wind energy deriving towers and transmission facilities may be filed, accepted or processed. For the purpose of this law an application for tower construction shall be deemed to mean any request for official action by the Town Board, Planning Board, or Code Enforcement Officer which request and approval would in any way commence or continue the process whereby a wind energy deriving tower or associated transmission facilities is or may be constructed or erected.

Wind measurement { meteorological } towers that are already erected may stay in place until their contracted study period is complete.

ARTICLE III: VALIDITY

Section 301 Validity

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

ARTICLE IV: APPEALS

Section 401 Appeals

A party aggrieved by the provisions of this Local Law may file an appeal to the Town of Andes Zoning Board of Appeals. The Town of Andes Zoning Board of Appeals shall act upon an application for an appeal from this Local Law in conformance with the procedural requirements and standards of the Town Zoning Ordinance.

ARTICLE V: EFFECTIVE DATE

Section 501 Effective Date

This Local Law shall take effect immediately upon the filing with the Secretary of State pursuant to the Municipal Home Rule.

Proposed by Councilman Liddle

Second by Councilman Grommeck

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-----AYE

Councilman Liddle-----AYE

Councilman Moshier-----ABSENT

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.