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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 of South Bristol
Village

Local Law No. ____ of the year **2013**

A local law “To Make Amendments to the Zoning Law and to the Subdivision of Land Law of the Town of South Bristol”

(Insert Title)

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

County
City
Town of South Bristol
Village

as follows:

SECTION 1. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the deletion of the definitions of “Kennel, Commercial” and “Kennel, Private”.

SECTION 2. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the deletion of the definitions of “Campground”, “Condominium”, “Customary”, “Driveway”, “Floodplain”, “Mine” and “Sawmill, Portable” and the insertion of amended definitions for each of these terms to read as follows:

CAMPGROUND – A parcel of land used or intended to be used, let or rented on a commercial basis for [temporary] transient, vacation and recreational occupancy of cabins, tents, registered travel trailers, campers, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year-round occupancy or as a place of residence unless occupied by the owner of such property or his representative.

CONDOMINIUM - A condominium is a single real estate unit in a multi-unit development in which a person has both separate ownership of a unit and an undivided interest in the common elements of the building. Condominium developments are

regulated as planned developments, subject to the provisions of Section 170-20 of this chapter.

CUSTOMARY – Anything that is traditionally practiced or used.

DRIVEWAY – An access lane used or intended to be used by motor vehicles connecting a structure or any other point in a lot to a street or road.

FLOODPLAIN – Lands that will flood in the average of every 100 years, as depicted on the Federal Emergency Management Agency Flood Insurance Rate Map for the Town of South Bristol.

MINE – Any parcel of land used for excavation from which a mineral is to be produced for sale or exchange, or for commercial, industrial or municipal use.

SAWMILL, PORTABLE – A sawing machine designed to be transportable and to be employed for the sawing of logs into lumber for a period of not more than 30 days on any lot except in the Lake Residential (LR) and One Acre Residential (R-1) Districts where it shall be for a period of not more than fourteen (14) days on any lot.”

SECTION 3. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the addition of the following definitions:

FILL – Any activity which deposits natural or artificial materials so as to modify the surface or subsurface conditions of land, lakes, ponds, and water courses.

KENNEL – Any premises on which more than four but no more than eight dogs six months old or older are kept, for any purpose including boarding and/or breeding.

MINERAL - Any naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this law, peat and topsoil shall be considered minerals.

MINING - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. “Mining” shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

NATURAL GAS - Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified

state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS AND/OR PETROLEUM EXPLORATION - Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

NATURAL GAS AND/OR PETROLEUM EXPLORATION AND PRODUCTION MATERIALS - Any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

NATURAL GAS EXPLORATION AND/OR PETROLEUM PRODUCTION WASTES - Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

NATURAL GAS AND/OR PETROLEUM EXTRACTION - The digging or drilling of a well for the purposes of exploring for, extracting developing or producing natural gas, petroleum or other subsurface hydrocarbons.

NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES - The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

OVERBURDEN - All of the earth, vegetation and other materials which lie above or alongside a mineral deposit.

SECTION 4. Paragraph A. of Section 170-13 (Comprehensive Plan) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Paragraph A. is inserted in its place to read as follows:

A. Definition. For the purpose of this chapter, the Comprehensive Plan shall include the Town's future land use development goals, policies and/or programs as set forth in the Official Comprehensive Plan adopted in January 2008.

SECTION 5. Subparagraph (2) of Paragraph B. (Permitted principal uses.) of Section 170-15 (Lake Residential (LR)) of the Zoning Law of the Town of South Bristol is hereby deleted.

SECTION 6. Paragraph D. (Special uses.) of Section 170-15 (Lake Residential (LR)) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (2) is hereby deleted; and
2. Subparagraph (7) is hereby amended so that “Private kennels” shall read “Kennels”; and
3. Subparagraphs (3), (4), (5), (6), (7) and (8) are hereby renumbered as Subparagraphs (2), (3), (4), (5), (6) and (7) respectively.

Section 7. Paragraph A. (Intent) of Section 170-16 (One-Acre Residential District (R-1)) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Paragraph A. is inserted in its place to read as follows:

A. Intent. The purpose of this district is to promote orderly development of the Town by providing building lots in selected growth areas and areas which provide a transition zone from areas of high density to areas of lesser density.

Section 8. Paragraph C. (Permitted accessory structures/uses.) of Section 170-16 (One-Acre Residential District (R-1)) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (2) is hereby deleted; and
2. Subparagraphs (3), (4), (5), (6), (7) (8), (9), (10), (11), (12) and (13) are hereby renumbered as Subparagraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) respectively.

Section 9. Paragraph D. (Special uses.) of Section 170-16 (One-Acre Residential District (R-1)) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (2) is hereby deleted; and
2. Subparagraph (7) is hereby amended so that “Private kennels” shall read “Kennels”; and
3. Subparagraphs (3), (4), (5), (6), (7) (8), (9), (10), (11), (12), (13) and (14) are hereby renumbered as Subparagraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13) respectively.

Section 10. Paragraph D. (Special uses.) of Section 170-16.1 (Three-Acre Residential District (R-3)) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (6) is hereby amended so that “Private kennels” shall read “Kennels”; and
2. A new subparagraph (14) is hereby added to read as follows:
(14) Industrial windmills.

Section 11. Paragraph D. (Special uses.) of Section 170-16.2 (Five-Acre Residential District (R-5)) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (2) is hereby deleted; and
2. Subparagraph (7) is hereby amended so that “Private and commercial kennels” shall read “Kennels”; and
3. Subparagraphs (3), (4), (5), (6), (7) (8), (9), (10), (11), (12), (13), (14) and (15) are hereby renumbered as Subparagraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) respectively.
4. A new subparagraph (15) is hereby added to read as follows:

(15) Industrial windmills.

Section 12. Subparagraph (13) of Paragraph D. (Special uses.) of Section 170-16.3 (Neighborhood Commercial District (NC)) of the Zoning Law of the Town of South Bristol is hereby amended so that “Private and commercial kennels” shall read “Kennels”.

Section 13. Subparagraph (11) of Paragraph D. (Special uses.) of Section 170-17 (Light Commercial District (C-1)) of the Zoning Law of the Town of South Bristol is hereby amended so that “Private and commercial kennels” shall read “Kennels”.

Section 14. Paragraph B. (Permitted principal uses.) of Section 170-17.1 (Commercial District (C-2)) of the Zoning Law of the Town of South Bristol is hereby amended with the insertion of new subparagraphs (2), (3) and (4) to read as follows:

- (2) Personal service shop.
- (3) Drugstore, liquor store, food market, clothing store, garden and nursery supply, rental shop, arts/crafts and similar retail use.
- (4) Business and professional office.

Section 15. Paragraph D. (Special uses.) of Section 170-17.1 (Commercial District (C-2)) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraphs (1), (2) and (3) are hereby deleted; and
2. Subparagraphs (4), (5), (6), (7) (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18) and (19) are hereby renumbered as Subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) and (16) respectively.

Section 16. Paragraph E. of Section 170-18 (Industrial District (I-1)) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Paragraph E. is inserted in its place to read as follows:

E. Special uses, as provided in Article V, shall be as follows: windmills and essential services, excluding power generation plants or water storage for power generation.

Section 17. Subparagraph (4) of paragraph I. of Section 170-20 (Planned Development District (PD)) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Subparagraph (4). is inserted in its place to read as follows:

(4) Recommendations as to the desirable specific modifications in regulations, based on determinations that such modifications are necessary or justified in the particular case, by demonstration that the public purposes of PD or other regulations would be met to at least an equivalent degree by proposals of the applicant. Based on these findings, the Planning Board shall either recommend approval of the PD amendment as proposed, approval conditioned on specific stated modifications or its disapproval, with reasons recorded therefore.

Section 18. Paragraph C. (Establishment of conditions.) of Section 170-22 (Intent) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (2) is hereby renumbered as subparagraph (3); and

2. A new subparagraph (2) is hereby added to read as follows:

(2) The Zoning Board of Appeals may limit the duration of a special use permit provided that the specific time limit is reasonable and directly related to an incidental to the proposed special use permit.

Section 19. Paragraph E (Site plan approval) of Section 170-22 (Intent) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (2) is hereby amended so that “Commercial kennels” shall read “Kennels”; and

2. New subparagraphs (13), (14), (15), (16) and (17) are hereby added to read as follows:

(13) Section 170-27, Essential Services.

(14) Section 170-42, Industrial Windmills.

(15) All applications for the filling of land in all districts that will result in an obstruction of a scenic view.

- (16) All special uses in all Commercial Districts.
- (17) All uses in the I-1, LC and PD Districts, including uses not requiring a zoning/building permit.

Section 20. Section 170-25. (Private kennels) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-25 is inserted in its place to read as follows:

§ 170-25. Kennels

Kennels may be allowed as a special use in any district, provided that:

- A. Shelters for animals shall not be closer than 100 feet to any lot line.
- B. No outdoor area enclosed by fences shall be located closer than 50 feet from any lot line.
- C. No kennel shall be located closer than 300 feet from an existing residential dwelling on an adjacent lot.
- D. There shall be no incineration of any animal waste/refuse upon the premises.
- E. The application shall contain provisions for:
 - (1) Location of shelter(s) and fenced enclosures on the property.*
 - (2) Approximate location of neighboring homes.*
 - (3) Adequate measures to prevent offensive noise and odor.
 - (4) Disposal of all animal wastes.
 - (5) Disposal of dead animals.
 - (6) Adequate measures to control rodents.
- F. Regular veterinary care shall be required, and a record of such care shall be maintained and available for inspection.
- G. All applications for this special use permit are subject to site plan review and approval by the Planning Board.
- H. As part of the application process for this special use permit, applicant shall provide written consent for the Code Enforcement Officer to enter upon the subject premises for the purpose of inspecting the subject premises for

compliance with the special use permit as issued as well as for any code violations.

- I. Kennels with more than eight dogs six months or older are contrary to the Comprehensive Plan and general intent of the Zoning Code of the Town of South Bristol and are not compatible with the health, safety, or general welfare of the citizens of the Town and are, therefore, not permitted within the boundaries of the Town of South Bristol.

* Note: A copy of the tax map is acceptable for these purposes.”

Section 21. Section 170-26. (Commercial kennels) of the Zoning Law of the Town of South Bristol is hereby deleted and reserved for future use.

Section 22. Paragraph F. of Section 170-29 (Multiple-family dwellings) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Paragraph F. is inserted in its place to read as follows:

- F. Recreation/open space. A minimum of 10% of the total area shall be designated as common recreational area. Required setbacks, parking areas, streets and roads cannot be counted as part of the recreational area.

Section 23. Subparagraph (8), the opening paragraph only of subparagraph (13), subparagraph (14) and subparagraph (18) of Paragraph A. of Section 170-36 (Antenna towers) of the Zoning Law of the Town of South Bristol are hereby deleted and a new subparagraph (8), a new opening paragraph only of subparagraph (13), a new subparagraph (14) and a new subparagraph (18) are inserted in their place to read as follows:

- (8) No two antenna towers shall be connected above ground in any manner whatsoever.
- (13) Setbacks for any antenna tower with a specific tower height greater than 50 feet from any property line shall be measured from the adjacent property line to the antenna structure and shall be as follows, where the greatest setback distance shall govern:
- (14) No antenna tower 50.0 feet or more in overall height shall be erected within 100 feet of any existing residence on the same parcel.
- (18) Any special use permit for antenna towers shall be issued to the land owner. For purposes of public safety, the tower owner shall submit to the Code Enforcement Officer every three (3) years, a structural analysis report and certification prepared by a professional engineer licensed in the State of New York attesting to the structural soundness of the tower and that it meets all standards. In addition, a list containing all antennas on said tower and the owners of said antennas shall accompany said report. Per Chapter 84, Fire Prevention and Building Code

Administration, Section 14 A, Compliance Orders, if the Code Enforcement Officer finds the structural report to be indicative of any structural problems he shall take whatever action deemed necessary to insure that any structural problems are remedied. **Amended 10-14-2002 by L.L. No. 3-2002**

Section 24. The opening paragraph only of Section 170-37 (Home occupations) of the Zoning Law of the Town of South Bristol is hereby deleted and a new opening paragraph only of Section 170-37 is inserted in its place to read as follows:

Home occupations occupying more than 500 square feet in a dwelling or more than 1,000 square feet in an accessory building or attached garage, or conducted outside are allowed by special use permit only.

Section 25. Section 170-38 (Additional residential structures on the same lot) is hereby amended with the insertion of a new paragraph F. to read as follows:

F. Landscaping when found necessary by the Planning Board shall be provided.

Section 26. Subparagraph (1) of Paragraph B. of Section 170-40 (Residential windmills) of the Zoning Law of the Town of South Bristol is hereby deleted and a new subparagraph (1) is inserted in its place to read as follows:

(1) Setbacks, ice and blade throw. Setbacks from adjacent property lines, rights-of-way, easements, public ways or power lines (not to include individual residential feed line) shall be two times the maximum structure height or 1 ¼ times the maximum engineer-calculated ice or blade throw distance to the maximum point of impact, whichever is greater. Setbacks shall be measured from the nearest edge of the supporting structure not including guy wires.

Section 27. Subsection (b) of subparagraph (6) of paragraph B of Section 170-40 (Residential windmills) of the Zoning Law of the Town of South Bristol is hereby deleted.

Section 28. Subparagraphs (1) and (3), subsection (a) of subparagraph (4) and subparagraph (6) of Paragraph F. of Section 170-40 (Residential windmills) of the Zoning Law of the Town of South Bristol are hereby deleted and new subparagraphs (1) and (3), a new subsection (a) of subparagraph (4) and a new subparagraph (6) are inserted in their place to read as follows:

(1) Routine inspection report. An inspection report prepared by an independent professional engineer licensed in the State of New York will be required at the time of installation. The inspection report required at the time of installation will be for the structure and the electronics and will be given to the Code Enforcement Officer. Per Chapter 84, Fire Prevention and Building Code Administration, Section 14A, Compliance Orders, if the Code Enforcement Officer finds the inspection report to be indicative of any electronic or structural problems he shall take whatever action deemed necessary to insure that any electronic or structural problems are remedied.

- (3) National and state standards. The applicant shall show that all applicable manufacturer's, New York State and U. S. standards for the construction, operation and maintenance of the proposed windmill have been met or are being complied with. Windmills shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill special use permit shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York, that such windmill is in compliance with such standards or equivalent standards based on the best professional judgment of the professional engineer of record.
- (4) Performance bond (removal).
 - (a) The owner of a windmill, prior to final special use permit approval and before a building permit is issued, shall provide a letter of credit or other acceptable surety sufficient to ensure the removal if the use of the windmill is discontinued. The requirements of Subsection F(4)(c) below shall apply. The Town Engineer shall judge the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. The Attorney to the Town shall judge the form of the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. Said letter of credit shall be forfeited if removal is not completed by the deadline specified in Subsection (F)(4)(c) below.
- (6) Environmental contamination by oil. A performance bond will be required to deal with environmental contamination by oil. The owner of a windmill, prior to final special use permit approval and before a building permit is issued, shall provide the maximum amount letter of credit or other acceptable surety necessary to ensure the cleanup of any contamination according to DEC requirements. The Town Engineer shall judge the form of letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. The Attorney for the Town shall judge the form of the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued.

Section 29. Subparagraph (1) of Paragraph B. of Section 170-41 (Commercial windmills) of the Zoning Law of the Town of South Bristol is hereby deleted and a new subparagraph (1) is inserted in its place to read as follows:

- (1) Setbacks, ice and blade throws. Setbacks from adjacent property lines, rights-of-way, easements, public ways, power lines, or areas or structures customarily used by the public shall be two times the maximum structure height or 1 ¼ times the maximum engineer-calculated ice or blade throw distance to the maximum point

of impact, whichever is greater. Setbacks shall be measured from the nearest edge of the supporting structure not including guy wires.

Section 30. Subsection (b) of subparagraph (6) of paragraph B of Section 170-41 (Commercial windmills) of the Zoning Law of the Town of South Bristol is hereby deleted.

Section 31. Subparagraphs (1) and (3), subsection (a) of subparagraph (4) and subparagraph (6) of Paragraph F. of Section 170-41 (Commercial windmills) of the Zoning Law of the Town of South Bristol are hereby deleted and new subparagraphs (1) and (3), a new subsection (a) of subparagraph (4) and a new subparagraph (6) are inserted in their place to read as follows:

- (1) Routine inspection report. An inspection report prepared by an independent professional engineer licensed in the State of New York will be required at the time of installation. The inspection report required at the time of installation will be for the structure and the electronics and will be given to the Code Enforcement Officer. Per Chapter 84, Fire Prevention and Building Code Administration, Section 14A, Compliance Orders, if the Code Enforcement Officer finds the inspection report to be indicative of any electronic or structural problems he shall take whatever action deemed necessary to insure that any electronic or structural problems are remedied.
- (3) National and state standards. The applicant shall show that all applicable manufacturer's, New York State and U. S. standards for the construction, operation and maintenance of the proposed windmill have been met or are being complied with. Windmills shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill special use permit shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York, that such windmill is in compliance with such standards or equivalent standards based on the best professional judgment of the professional engineer of record.
- (4) Performance bond (removal).
 - (a) The owner of a windmill, prior to final special use permit approval and before a building permit is issued, shall provide a letter of credit or other acceptable surety sufficient to ensure the removal if the use of the windmill is discontinued. The requirements of Subsection F(4)(c) below shall apply. The Town Engineer shall judge the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. The Attorney to the Town shall judge the form of the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. Said letter of credit shall be forfeited if removal is not completed by the deadline specified in Subsection (F)(4)(c) below.

- (6) Environmental contamination by oil. A performance bond will be required to deal with environmental contamination by oil. The owner of a windmill, prior to final special use permit approval and before a building permit is issued, shall provide the maximum amount letter of credit or other acceptable surety necessary to ensure the cleanup of any contamination according to DEC requirements. The Town Engineer shall judge the form of letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. The Attorney to the Town shall judge the form of the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued.

Section 32. Section 170-42 (Industrial windmills) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-42 is inserted in its place to read as follows:

§ 170-42. Industrial Windmills.

A. Application Process.

- (1) Special Use Permit. A special use permit shall be required. Therefore, Section 170-22 of the South Bristol Code will apply.
- (2) Site Plan Review. A site plan review is required before a building permit may be issued for industrial windmills.
- (3) SEQR. SEQR review is required.

B. Placement.

- (1) Road Access and Maintenance. If the proposed site is such that a town road has to be improved to facilitate the installation of equipment for the windmill operation the applicant will be responsible for the cost of any such improvements necessary.
- (2) Setbacks, Ice and Blade Throw. Setbacks from adjacent property lines, rights-of-way, other units, all residential structures, easements, public ways, power lines (not to include individual residential feed line) and structures not ancillary to the windmill operation shall be two times the maximum structure height or 1 ¼ times the maximum engineer-calculated ice or blade throw distance to the maximum point of impact, whichever is greater. Setbacks shall be measured from the nearest edge of the supporting structure not including guy wires.
- (3) Districts Allowed In. R-3, R-5.

- (4) Noise Level Limit. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of special use permit application.
- (5) Lighting. No windmill tower shall be lighted artificially unless such lighting is required by a state or federal agency. Use of nighttime, and overcast daytime condition stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration shall be subject to on-site field testing before the Planning Board, as a prerequisite to that board's approval, with specific respect to Subsection (6) below as it applies to existing residential or commercial uses within 2000 feet of each tower for which such strobe lighting is proposed.
- (6) Scenic View Impact. No windmill shall be installed in a location where the Planning Board determines the windmill to be detrimental to the general neighborhood character. Final determination of permissible tower height and location on lot shall be decided by the Planning Board as part of the site plan review. No individual tower facility shall be installed in any location that would substantially detract from or block view of a portion of a scenic view, as viewed from any public road right-of-way, publicly owned land or privately owned land with the Town of South Bristol.
 - (a) The following viewscape analysis material shall be submitted to the Planning Board for industrial wind power electricity generation and/or transmission facilities:
 - (i) Digital elevation model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of five miles from the center of the project. Scale used shall depict 5-mile radius as no smaller than 4.5 inches, and the base map used shall be a published topographic map showing cultural features.
 - (ii) No fewer than four and no more than the number of proposed individual wind turbines plus three color photos, no smaller than 3" x 5", taken from

locations within a 5-mile radius from it and to be selected by the Planning Board, and computer-enhanced to simulate the appearance of the as-built above-ground site facilities as they would appear from these locations.

(7) Broadcast Interference.

- (a) 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 link's operation.
- (b) No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personnel communication systems would produce electromagnetic interference with signal transmission or reception.
- (c) The recipient of the special use permit must correct any unforeseen interference to the satisfaction of the Planning Board within sixty (60) days of any complaint.

(8) Location on Lot. Windmill location is not restricted to rear or side yards. The Planning Board shall address location on lot during site plan review.

C. Specifications.

- (1) Maximum Height Limit. Maximum height limit shall be no greater than 400 feet.
- (2) Color. Industrial windmills must be battleship gray unless an agency of the state or federal government mandates something different.
- (3) Structure. Solid column.
- (4) Type. All types of windmills will be allowed.
- (5) Design and Specifications. Detailed design and specification will be required during site plan review.
- (6) Bird Migration Study. A bird migration path study will be required.

- (7) Ice Buildup Sensors. A sensor will be required for industrial windmills that will shut the windmills down during icing conditions.
- (8) Connecting Cables. All power transmission lines between the windmill electricity generation facilities and on-site substations shall be underground.
- (9) Blade to Ground Distance. The lowest portion of the blade may not be closer than 25 feet to the ground.

D. Notice and Safety Considerations.

- (1) Signs.
 - (a) Caution Signs. Caution signs shall be placed at the setback limits warning of ice and blade throws. Signs shall be placed at 100 foot intervals and be 4 to 6 feet high (at eye level). Said signs shall be a minimum of one foot square and no larger than two square feet in size and shall have the words ‘CAUTION: FALLING OBJECTS’ printed thereon. In addition, the owner’s name and address shall be printed thereon.
 - (b) Other Signs. There shall be no other signs affixed to the windmill, accessory buildings or enclosure.
- (2) Fencing. Access to the tower shall be limited either by means of a fence six (6) foot high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than twelve (12) feet from the ground.
- (3) Limit Tip Speed. No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.

E. Operating Considerations.

- (1) Removal If not Operational. Any windmill, which has not been in active and continuous service for a period of one (1) year, shall be removed from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/or enclosures accessory to such windmill shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within six (6) months of the determination of cessation of active and continuous use of such windmill.

- (2) Landscaping. Upon completion of installation the site shall be returned as close as possible to its natural state.
- (3) Building and Grounds Maintenance. Any damaged or unused parts shall be removed from the premises within thirty (30) days or kept in an on-site storage building. All maintenance equipment, spare parts, oil, etc. shall also be kept in said on-site storage building.
- (4) Ownership Changes. If the ownership of a windmill operating under a special use permit changes, the special use permit shall remain in force. All conditions of the special use permit, including bonding, letters of credit or continuing certification requirements of the original owner will continue to be obligations of succeeding owners. However, the change in ownership shall be registered with the Code Enforcement Officer, and the sign required under subdivision 170-42(D)(1)(a) shall be changed accordingly.
- (5) Windmill Modifications. Any and all modifications, additions, deletions or changes to windmills that operate under a special use permit, whether structural or not, shall be made by special use permit, except that such special use permit shall not be required for repairs which become necessary in the normal course of use of such windmill or become necessary as a result of natural forces, such as wind or ice.

F. Certification.

- (1) Routine Inspection Report. An inspection report prepared by an independent engineer licensed by the State of New York will be required at the time of installation. The inspection report required at the time of installation will be for the structure and the electronics and will be given to the Code Enforcement Officer. Additional inspection reports for industrial windmills will be required on an annual basis. Copies of all reports shall be given to the Code Enforcement Officer. Per Chapter 84, Fire Prevention and Building Code Administration, Section 14A, Compliance Orders, if the Code Enforcement Officer finds any of the inspection reports to be indicative of any electronic or structural problems he shall take whatever action deemed necessary to insure that any electronic or structural problems are remedied.
- (2) Insurance – Liability. Prior to issuance of a building permit, the applicant shall provide the Town 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 of a tower or towers or any other part(s) of the generation and transmission facility.

- (3) National and State Standards. The applicant shall show that all applicable manufacturer's, New York State and U. S. standards for the construction, operation and maintenance of the proposed windmill have been met or are being complied with. Windmills shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill special use permit shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York, that such windmill is in compliance with such standards or equivalent standards based on the best professional judgment of the professional engineer of record.”
- (4) Performance Bond (Removal).
 - (a) The owner of a windmill, prior to final special use permit approval and before a building permit is issued, shall provide a letter of credit or other acceptable surety sufficient to ensure the removal if the use of the windmill is discontinued. The requirements of subdivision (c) below shall apply. The Town Engineer shall judge the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. The Attorney to the Town shall judge the form of the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. Said letter of credit shall be forfeited if removal is not completed by the deadline specified in subdivision (c) below.
 - (b) If transmission service from a windmill is to be discontinued for a period exceeding six (6) months, the owner of such windmill shall notify the Code Enforcement Officer within thirty (30) days of the date such discontinuance commenced.
 - (c) Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/or enclosures accessory to such windmill shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within six (6) months of the cessation of active and continuous use of such windmill.
 - (d) Proof of insurance for road repair purposes shall also be required as follows: “The applicant shall deliver to the Code Enforcement Officer, as part of the building permit process and prior to the issuance of a building permit, a certificate of insurance naming the

Town of South Bristol as a certificate holder and an additional insured which shall be kept on file in the Code Enforcement Office. Such insurance shall provide for a minimum of \$250,000/\$500,000 property damage and personal liability insurance coverage in favor of the town. Such insurance shall provide specifically for coverage of damage to roadways and culverts”.

- (5) Lightning Strike/Grounding. The applicant shall show that all applicable manufacturers, New York State and U. S. standards for the construction, operation and maintenance of the proposed windmill have been or are being complied with.
- (6) Environmental Contamination by Oil. A performance bond will be required to deal with environmental contamination by oil. The owner of a windmill, prior to final special use permit approval and before a building permit is issued, shall provide the maximum amount letter of credit or acceptable surety necessary to ensure the cleanup of any contamination according to DEC requirements. The Town Engineer shall judge the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued. The Attorney to the Town shall judge the form of the letter of credit or other acceptable surety adequate and satisfactory prior to final special use permit approval and before a building permit is issued.
- (7) Wind Speed/Wind Load. Certification is required by a registered professional engineer or manufacturer’s certification that the tower design is sufficient to withstand wind-load requirements for structures as established by the Building Code of New York State.
- (8) Continuing Obligations. All requirements detailed in subdivisions 170-42(F)(1-7) above remain in force for the life of the special use permit.

Section 33. Paragraphs A and B of Section 170-51 (Lot area) of the Zoning Law of the Town of South Bristol are hereby deleted and new paragraphs A and B are hereby inserted in their place to read as follows:

- A. No lot in any district shall be altered in size so that its area or any of its dimensions or open spaces shall be smaller than required by law, and no permit shall thereafter be issued for the erection or maintenance of any building or structure or for any other use regulated by this chapter.
- B. No lot shall be divided which was nonconforming prior to the date of adoption of this chapter.

Section 34. Section 170-52 (Height) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-52 is hereby inserted in its place to read as follows:

§ 170-52. Height

The building height of any structure, except for farm use and except for buildings, towers and other structures permitted as a special use hereunder, shall not be higher than 35 feet, as measured from the mean average of the adjacent finished grade to the highest point of the roof or to the highest point of any portion of a structure above the roof.

Section 35. Section 170-53 (Off-street parking) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-53 is hereby inserted in its place to read as follows:

§ 170-53. Off-street parking.

For purposes of this section, a parking space shall be a minimum of 160 square feet with a width of eight feet. All required parking spaces shall be provided and satisfactorily maintained by the owner, off the public right-of-way. Minimum standards are as follows:

- A. At least two parking spaces for each dwelling unit.
- B. Home occupations: Two parking spaces in addition to those required in Subsection A above.
- C. Places of public assembly, except adult use and entertainment establishments (See Subsection M of this section): at least one parking space for each three seats based on maximum seating capacity.
- D. Hospital, sanitarium, nursing home, etc.: at least one parking space for four patients and one parking space for each employee, attendant or member of the staff employed during the day.
- E. Commercial districts: all uses in commercial districts, except office buildings, shall provide parking spaces as deemed necessary in the site plan review.
- F. Office buildings: at least one parking space for each 250 square feet of office floor area.
- G. Retail: at least one parking space for each 250 square feet of floor area.
- H. Service stations: at least one parking space for each 250 square feet of floor area.
- I. Restaurants/taverns/bars: at least one parking space for each 3 seats and at least one parking space per employee at the maximum shift.

- J. Commercial storage buildings: at least one parking space per 1000 square feet of floor area.
- K. Beauty parlors/Barber shops: at least two parking spaces per each chair and at least one parking space per employee at the maximum shift.
- L. Industrial districts: all uses in industrial districts shall provide at least one parking space per employee at the maximum shift or at least one parking space per 300 square feet of floor area in use, whichever is greater.
- M. Adult use and entertainment establishments district: Provision shall be made for at least one parking space for each two persons based upon maximum occupancy capacity.

Section 36. Section 170-64 (Storage of recreational vehicles) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-64 is hereby inserted in its place to read as follows:

§ 170-64. Storage and use of recreational vehicles.

- A. Storage. Not more than two recreational vehicles owned by the owners of the property or a member of the family thereon may be stored upon the premises, provided that:
 - (1) The vehicle is not connected to any electrical or water supply.
 - (2) The vehicle is not stored in the front yard of the principal dwelling and is located no closer than 10 feet to a side lot line or 15 feet from a dwelling.
- B. Use. Unless otherwise provided herein, residents of the Town may have located upon their lots a recreational vehicle of a guest as long as:
 - (1) The length of stay is no longer than three weeks.
 - (2) The recreational vehicle has been provided with water supply, electrical services and an adequate self-contained sewage disposal system.
 - (3) The recreational vehicle is not located closer than 15 feet to any building on a neighboring lot and no closer than 10 feet to the side or rear lot line.

Section 37. The Zoning Law of the Town of South Bristol is hereby amended to add a new Section 170-69 to read as follows:

§ 170-69. Filling of Land

A building permit shall be required for filling of land if it will result in an obstruction of a scenic view. Before a permit shall be issued, a site plan review by the Planning Board shall be required. The application to the Planning Board shall include such information as how much fill will be brought in, what materials will be involved, the duration of the fill operation, etc. Once a fill permit has been issued and before any future building on the site begins, a geological test shall be conducted to determine if the site is stable enough to support any proposed structure.

Section 38. The Zoning Law of the Town of South Bristol is hereby amended to add a new Section 170-70 to read as follows:

§ 170-70. Prohibited Uses.

- A. Prohibition against the Exploration for or Extraction of Natural Gas and/or Petroleum. No land in the Town shall be used:
- (1) to conduct any exploration for natural gas and/or petroleum;
 - (2) to drill any well for natural gas and/or petroleum;
 - (3) to transfer, store, process or treat natural gas and/or petroleum;
 - (4) to dispose of natural gas and/or petroleum exploration or production wastes;
 - (5) to erect any derrick, building, or other structure or to place any machinery or equipment for any such purposes.
- B. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials. No land in the Town shall be used for the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.
- C. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes. No land in the Town shall be used for the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.
- D. Prohibition against Natural Gas and/or Petroleum Support Activities. No land in the Town shall be used for natural gas and/or petroleum support activities.
- E. Invalidity of Permits. No permit issued by any local, state or federal agency, commission or board for a use, which would violate the prohibitions of this section or of this law, shall be deemed valid within the Town.

Section 39. Section 170-80 (Intent and continuance) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-80 is hereby inserted in its place to read as follows:

§ 170-80. Intent and continuance.

Except as otherwise provided for in this article, the lawful use of buildings or properties existing at the date of the adoption of this chapter may be continued. It is the intent of this article that all nonconforming uses or lots shall not be enlarged upon, expanded or extended except in conformance with this chapter. For purposes of this section, an enlargement, expansion or extension is defined as an increase in the footprint. The following provisions shall apply to all nonconformities.

Section 40. Paragraph B. of Section 170-85 (Restoration and alterations) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Paragraph B. is hereby inserted in its place to read as follows:

- B. Normal maintenance and repair shall be permitted; provided, however, that they do not expand the area [or volume of space] occupied by the nonconforming use.

Section 41. Section 170-90 (Administrative and enforcing officer; powers and duties) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-90 is hereby inserted in its place to read as follows:

§ 170-90. Administrative and enforcing officer; powers and duties.

- A. This chapter shall be administered by the Code Enforcement Officer appointed by the Town Board. It shall be the duty of the Code Enforcement Officer to ensure the enforcement of this chapter, subject to the rules, regulations, resolutions, laws and ordinances of the Board of Appeals, Planning Board and Town Board and as set forth in Chapter 84, Fire Prevention and Building Code Administration, as amended.
- B. In addition to the duties and powers of the Code Enforcement Officer as set forth in Chapter 84, Fire Prevention and Building Code Administration, the Code Enforcement Officer shall have such additional duties and powers set forth herein. He shall order discontinuance of illegal uses of land or structures, removal of illegal structures or illegal additions, alterations or structural changes; or discontinuance of any illegal work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- C. The Code Enforcement Officer shall provide the Board of Appeals or Planning Board, in writing, with all facts pertaining to his refusal to issue zoning/building

permits and certificates whenever such information shall be requested by said Board. **Amended 10-14-2002 by L. L. No. 3-2002**

- D. At the time an applicant applies for a zoning/building permit, the Code Enforcement Officer shall also make a determination as to whether or not the proposed use or construction which is being applied for is subject to action under SEQR. Excluded, exempt or Type II actions shall not be subject to the SEQR review process. If the Code Enforcement Officer determines that the proposed use or construction is subject to review, the procedures established by the Town, in accordance with regulations under SEQR, shall be followed prior to the issuance of a permit.

Section 42. Section 170-91 (Application procedures for special use permits and variances) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Section 170-91 is hereby inserted in its place to read as follows:

§ 170-91. Application procedures for special use permits and variances.

A. Special use permit applications.

- (1) All applications for special use permits shall be made to the Code Enforcement Officer on forms provided by him.
- (2) As part of the application, the owner must provide written consent to allow the Zoning Board of Appeals members to enter onto the subject property for purposes of inspecting it relative to the special use permit application.
- (3) The Code Enforcement Officer, after determining that an application is complete and in proper form, shall transmit copies of the application and all supporting documents to the Zoning Board of Appeals, as provided for in Article V, for action thereon. Some special uses shall also require site plan review and approval by the Planning Board per Section 170-22(E) of this chapter. In those instances, the application and all supporting documents shall also be transmitted to the Planning Board.
- (4) The applicant shall prepare a site plan of the special use and subject parcel, in accordance with this chapter, and shall comply with the review process under SEQR.
- (5) A copy of the complete application and supporting documents shall also be transmitted to the County Planning Board for review when required under Article 12-b, Section 239-m, of the General Municipal Law.
- (6) The Zoning Board of Appeals shall fix a time and place for a public hearing thereon and shall provide for the giving of notice as required by

law by publishing a notice in the official newspaper of the Town at least five days prior to the date thereof. The Clerk of the Board shall mail a copy of such notice thereof to the applicant. **Amended 10-14-2002 by L.L. No. 3-2002; 8-9-10 by L.L. No. 2-2010**

- (7) The Zoning Board of Appeals shall, within 62 days after the public hearing at which the application was considered, advise the applicant, the Code Enforcement Officer and the Town Clerk of its findings regarding the factors considered and other problems which can be anticipated from the proposed activity and of its approval, with any condition the Zoning Board of Appeals may find necessary, or of its disapproval with its reasons in writing. A copy of the appropriate minutes may suffice for this notice. Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application for a special use under the provisions of this chapter, denies or rejects the same, said Board shall refuse to hold further hearings on the same or substantially similar application by the same applicants, their successors or assigns for a period of one year, except as provided for in Town Law, Section 267 et. seq. **Amended 10-14-2002 by L.L. No. 3-2002; 8-9-2010 by L.L. No. 2-2010**

B. Variance applications.

- (1) All applications for variances shall be made to the Code Enforcement Officer on forms provided by him.
- (2) As part of the application, the owner must provide written consent to allow the Zoning Board of Appeals members to enter onto the subject property for purposes of inspecting it relative to the variance application.
- (3) The Code Enforcement Officer, after determining that an application is complete, shall transmit copies of the application and all supporting to the Board of Appeals for action thereon.
- (4) A copy of the complete application and supporting documents shall also be transmitted to the County Planning Board for review when required under Article 12-B, Section 239-m, of the General Municipal Law.
- (5) The applicant shall prepare a site plan of the subject parcel for submission to the Board of Appeals. In accordance with this chapter, and shall comply with the review process under SEQR.
- (6) The Board of Appeals shall fix a time and place for a public hearing thereon and shall provide for the giving of notice as required by law by publishing a notice in the official newspaper of the Town at least five days prior to the date thereof. The Clerk of the Board shall mail a copy of such notice thereof to the applicant.

- (7) The Board of Appeals shall, within 62 days after the public hearing at which the application was considered, advise the applicant, the Code Enforcement Officer and the Town Clerk of its findings regarding the factors considered and other problems which can be anticipated from the proposed variance and of its approval, with any condition the Board of Appeals may find necessary, or of its disapproval with its reasons in writing. A copy of the appropriate minutes may suffice for this notice. Whenever the Board of Appeals, after hearing all the evidence presented upon an application for appeals under the provisions of this chapter, denies or rejects the same, said Board shall refuse to hold further hearings on the same or substantially similar application for appeal by the same applicants, their successors or assigns for a period of one year, except as provided for in New York Town Law, Section 267 et seq.

Section 43. Paragraph A. of Section 170-93 (Appointment of Planning Board; powers and duties) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Paragraph A. is hereby inserted in its place to read as follows:

- A. Pursuant to the provisions of the New York State Town Law applicable thereto, the Town Board shall appoint a Planning Board consisting of the number of members and for the term of the years set forth in New York Town Law. Said members are hereby vested with powers and duties and made subject to the limitations set forth in Sections 271, 274-a, 276, 277, 278, 279 and 280-a of the New York State Town Law, as the same may be amended, modified or changed from time to time, or any sections subsequently adopted pertaining to the Planning Board.

Section 44. Paragraph A. of Section 170-94 (Site plan review) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. Subparagraph (1) is hereby deleted and a new subparagraph (1) is hereby inserted in its place to read as follows:
 - (1) All special uses in all Commercial Districts.and
2. Subparagraph (3) is hereby deleted and a new subparagraph (3) is hereby inserted in its place to read as follows:
 - (3) All uses in the I-1, LC and PD Districts, including uses not requiring a zoning/building permit.and

3. A new subparagraph (4) is hereby inserted to read as follows:

(4) All applications for the filling of land in all districts that will result in an obstruction of a scenic view.

Section 45. Paragraphs (D), (E), (F), (G), (H), (I), (J), (K), (L) and (M) of Section 170-94 (Site plan review) of the Zoning Law of the Town of South Bristol are hereby relettered as paragraphs (E), (F), (G), (H), (I), (J), (K), (L), (M) and (N) respectively and a new paragraph D. is hereby inserted to read as follows:

D. As part of the application, the owner must provide written consent to allow the Planning Board members to enter onto the subject property for purposes of inspecting it relative to the site plan review application.

Section 46. The Schedule of District Regulations (Attachment 1), included at the end of the Zoning Law of the Town of South Bristol and referred to in Section 170-14 thereof, is hereby amended as follows:

1. The Minimum Front Setback for the (C-1) Light Commercial Zoning District is hereby changed from 75 feet to 50 feet.
2. The Minimum Front Setback for the (C-2) Commercial Zoning District is hereby changed from 75 feet to 50 feet.

Section 47. Paragraph K. of Section 149-19 (Final plat submission; review procedure) of the Subdivision of Land Law of the Town of South Bristol is hereby deleted and a new Paragraph K. is hereby inserted in its place to read as follows:

K. Expiration of approval. The owner shall file in the office of the County Clerk or register such approved final plat or a section of such plat within sixty-two (62) days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided; or the approval by such board of the development of a plat or plats already filed in the office of the County Clerk or register of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided. In the event the owner shall file only a section of such approved plat in the office of the County Clerk or register, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent (10%) of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Subsection 2 of Section 265-a of Town Law.

Section 48. 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 the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 49. 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. ____ of 2013 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on _____, 2013, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

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.

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__. 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.

¹ 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 2005 of the City of _____ 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.

Clerk of the Town

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town of South Bristol

Date: _____