LOCAL LAW #2-2025

A LOCAL LAW ENACTING A MORATORIUM ON WIND ENERGY CONVERSION SYSTEMS

Section 1. Enactment and Title.
The Town Board of the Town of Mina does hereby enact the Town of Mina Moratorium on Wind Energy Conversion Systems Law. This Local Law shall impose a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Wind Energy Conversion System within the Town of Mina for roughly six months. Technology has evolved so that the Town may be susceptible to the placement of large-scale wind energy conversion systems under Section 94-c of New York's Executive Law. The Town Board finds it imperative that the Town undertake a thorough examination of these systems to identify any possible threats to public health, safety and welfare as well as evaluate the potential for environmental degradation.

The capitalized terms in the foregoing sentence, and as used throughout this Local Law, shall have the following meanings ascribed to them:

> **Wind Energy Conversion System** - A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for agricultural, residential, commercial, industrial, utility or governmental use.

Section 2. Authorization, Purpose and Intent.
Pursuant to the authority and provisions of the New York State Constitution, and Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Mina to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board (the "Board") of the Town of Mina hereby declares a moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction of Wind Energy Conversion Systems within the Town of Mina (the "Town"), for a period of six (6) months from the effective date of this Local Law.

This moratorium will allow time for Town officials to review, clarify, amend, and update the Town's regulations for wind energy conversion systems, particularly with regard to where such development may be located in the Town. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens.

Section 3. Scope of Controls.
During the effective period of this Local Law:

A. Neither the Town Board nor any Town Staff shall conduct any review or consider or grant any permit or other approval that will result in the approval, establishment or construction of any Wind Energy Conversion System within the Town.

B. To the extent permitted by law, this moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town local law and any other applicable law, rule or regulation, that may be in conflict herewith. If any ambiguity or conflict exists, this local law shall govern and the presumption shall in each case be that the moratorium is in effect.

Section 4. No Consideration of New, Revised, or Renewal Applications.

No new, revised, or renewal applications shall be accepted for filing, review, or consideration, and no site plans, authorizations, special permits, permits, building permits, waivers or other approvals that purport to allow or advance the development, siting, or construction of any Wind Energy Conversion System shall be undertaken, reviewed, considered or issued by any board, officer, employee or agent of the Town. Nor shall any language or term in this moratorium effect, or be construed to result in, any default approval, and any matter now pending shall be stayed in place during the pendency of this moratorium, with all deadlines or other timelines suspended for the same number of days that this moratorium is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

During the period of this moratorium the Town shall endeavor to adopt changes to its code with regard to the siting, establishment and construction of Wind Energy Conversion Systems; and

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Mina. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the official tax maps of Chautauqua County and the official New York corporate boundary maps for the Town of Mina.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.