

**TOWN OF MEREDITH****Local Law 2 of 2008****PRIOR LAW REPEALED AND RESCINDED**

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

Local Law No. 2 of 2008, entitled “Wind Energy Facilities Law of 2008,” is hereby adopted to read in its entirety as follows:

Local Law No. 4 of 2007, entitled “Wind Energy Facilities,” is hereby repealed and rescinded, and replaced in its entirety by this new Local Law No. 2 of 2008, entitled “Wind Energy Facilities Law of 2008,” which reads in its entirety as follows:

**WIND ENERGY FACILITIES LAW OF 2008****Article 100. GENERAL PROVISIONS**

**Section 101. Title.** This Local Law may be cited as the “Wind Energy Facilities Law of 2008 of the Town of Meredith, New York.”

**Section 102. Purpose.** The Town Board of the Town of Meredith adopts this Local Law to protect and enhance the safety, health and well-being of persons and property within the Town of Meredith, and to protect and enhance the town's physical and visual environment, while simultaneously promoting the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS).

**Section 103. Authority.** The Town Board of the Town of Meredith enacts this Local Law under the authority granted by

- A. New York State Constitution, Article IX, Section 1(a), and Section 2(c)(6) and (10).
- B. New York Statute of Local Governments, Section 10 (1) and (7).
- C. New York Municipal Home Rule Law, Article 2, Section 10(1)[i] and [ii], Section 10(1) (a) [6], [11], [12], and [14], Section 10(2), and Section 10 (4) (b).
- D. The supersession authority of New York Municipal Home Rule Law, Article 2, Section 10 (2)(d)(3), specifically as it relates to determining which body shall have power to grant variances under this Local Law, and the scope of such power, to the extent such grant of power conflicts with and/or is different than under Town Law Section 267-a and 267-b.
- E. New York Town Law, Article 16 (Zoning and Planning), Section 271 (planning board).
- F. New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11) (Peace, good order and safety), (15) (Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines) .
- G. New York Town Law §64(17-a) (protection of aesthetic interests), (23) (General powers).
- H. Town of Meredith Comprehensive Plan, pg. 9 (Meredith’s Vision), section 5.1 (land use goal), section 5.2—5. (wind tower local law)

**Section 104. Definitions.** As used in this Local Law, the following terms shall have the meanings indicated:

- A. **AGRICULTURAL OR FARM OPERATIONS** - the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation and timber processing. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.
- B. **AMBIENT SOUND** - The background sound level (pre-development) found to be exceeded 90% of the time over which sound is measured in a noise analysis.
- C. **EAF** - Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.
- D. **INDUSTRIAL-SCALE WIND ENERGY FACILITIES** – one or more wind energy conversion systems (q.v.), each more than 125 feet in total height and each producing in excess of 100 kW, designed primarily to deliver electrical power to the grid.
- E. **RESIDENCE** - any dwelling for habitation, either seasonally or permanently, by one or more persons. A residence may be part of a multiple-dwelling or multipurpose building, and shall include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions.
- F. **SEQRA** - the New York State Environmental Quality Review Act, Article eight of the Environmental Conservation Law, and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.
- G. **SITE** - the parcel of land where a proposed wind turbine is to be located. The Site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements.
- H. **SOUND PRESSURE LEVEL** - According to the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts, a measure of sound pressure in the atmosphere which can be determined according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11) or other accepted procedure. Also, the perceived loudness of a sound as expressed in decibels (dB). For example, the A-weighted decibel scale dB(A) represents those frequencies most readily audible to the human ear. The C-weighted decibel scale dB(C) approximates the response of the human ear to low-frequency sounds, and the G-weighted scale dB(G) measures infrasound.
- I. **SMALL WIND ENERGY CONVERSION SYSTEM ("Small WECS")** - a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 20 kW and which is intended to primarily reduce on-site consumption of utility power.
- J. **TOTAL HEIGHT** - the height of the tower and the furthest vertical extension of the WECS.
- K. **WIND ENERGY CONVERSION SYSTEM ("WECS")** - a machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

- L. WIND ENERGY FACILITY ("WEF") - any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.
- M. WIND MEASUREMENT TOWER - a tower used for the measurement of meteorological data such as temperature, wind speed and wind direction. Temporary towers, for a period not to exceed two (2) years, may be allowed as part of a Small WECS application, where the requested tower meets all height, setback and other requirements of this Local Law.

**Section 105. Findings.** The Town Board of the Town of Meredith finds and declares that:

- A. While wind energy is a potential renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources, the potential benefits must be weighed against potential adverse impacts.
- B. The generation of electricity from properly sited small wind turbines can be a cost effective mechanism for reducing on-site electric costs, with minimal significant adverse environmental and community impacts. It is particularly useful in a community like Meredith, where there is a strong desire for local development of alternative energy.
- C. Regulation of the siting and installation of wind turbines is necessary to protect the health, safety, and welfare of neighboring property owners and the general public, and to preserve the town's existing character.
- D. Industrial-scale Wind Energy Facilities can cause significant health problems because of the effects of shadow flicker from the rotating blades, which shadow flicker also poses a danger on public highways.
- E. Industrial-scale Wind Energy Facilities may be significant sources of noise, which, if not properly regulated, can have an adverse impact on the health of nearby residents and on the use of nearby properties, particularly in areas of low ambient sound levels such as prevail in much of Meredith.
- F. Industrial-scale Wind Energy Facilities present a danger to wildlife, particularly to bats and migrating birds. This must be a serious consideration for the Town of Meredith, which is at the edge of a major migratory pathway for raptors.
- G. Industrial-scale Wind Energy Facilities represent significant potential aesthetic impacts because of their large size, lighting, sound generation and shadow flicker effects, which are in sharp contrast with the natural landscape.
- H. Industrial-scale Wind Energy Facilities, particularly when located on mountain ridges, can create severe drainage problems through erosion and consequent sedimentation, which can damage access roads and adjacent facilities, residences and farms. The sediment can also contaminate watershed streams and increase flood potential.
- I. Industrial-scale turbines have been demonstrated to throw ice a significant distance from the turbines, particularly in climates, such as that of Meredith, which are prone to icing events. Thrown ice can cause injury to the public and to site personnel, and can damage structures and vehicles.
- J. Industrial-scale Wind Energy Facilities can reduce the value of nearby properties through the effects of noise, lights and shadow flicker, and of more distant properties by altering their viewshed.

- K. Construction of industrial-scale Wind Energy Facilities can create traffic problems and damage local roads, and the necessary blasting can damage water sources by disrupting veins of water in the fractured shale that makes up Meredith's underlying strata.
- L. If improperly sited, industrial-scale Wind Energy Facilities can interfere with various types of communications, including television and cell phone reception, and EMS service.
- M. The Town has many scenic farm and mountain views which would be severely compromised by the intrusion of such large-scale industrial installations.

**Section 106. Wind Energy Facility Permit.**

- A. No Wind Energy Facility shall be constructed, reconstructed, modified, operated or replaced in the Town of Meredith except in compliance with this Local Law.
- B. No WECS other than a Small WECS, as defined herein, shall be constructed, reconstructed, modified, operated or replaced in the Town of Meredith. No Wind Measurement Tower shall be constructed, reconstructed, modified, operated or replaced in the Town of Meredith, except in conjunction with and as part of an application for a Small WECS.
- C. Permit required. No Small WECS shall be constructed, reconstructed, modified, operated or replaced in the Town of Meredith except pursuant to a Wind Energy Facility Permit issued pursuant to this Local Law.
- D. This Local Law shall apply to all areas of the Town of Meredith.
- E. The Town Board hereby appoints the Planning Board of the Town of Meredith as the body responsible for the administration of the town's Wind Energy Facilities Law, including the review of Wind Energy Facility Permit applications, and the decision whether to approve such applications. Approval of a Wind Energy Facility Permit shall be subject to the requirements set forth in this Local Law.
- F. Exemptions. No permit or other approval shall be required under this Local Law for WECS utilized solely for agricultural operations in a state or county agricultural district, as long as the facility is set back at least one and a half times its Total Height from a property line, does not exceed 120 feet in height, and has no impact on public health and/or safety. Towers over 120 feet in Total Height utilized solely for agricultural operations in a state or county agricultural district shall apply for a Wind Energy Facility Permit in accordance with Article 200 of this Local Law, but shall not require a height variance. Prior to the construction of a WECS under this exemption, the property owner or a designated agent shall submit a sketch plan or building permit application to the Planning Board to demonstrate compliance with the setback requirements.
- G. Variances. Notwithstanding any provision of law to the contrary, where a proposed Wind Energy Permit application contains one or more features which do not comply with the dimensional requirements of this Local Law, the Planning Board may grant one or more variances for a Small WECS, but in no event shall the Planning Board grant a variance allowing a larger WECS than permitted by this Local Law, or a WECS primarily designed to generate electricity for off-site use, or any industrial-scale wind facilities. In making its determination, the Planning Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be

created by the granting of the variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance; (3) whether the requested variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or community; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Planning Board, but shall not necessarily preclude the granting of the area variance. The Planning Board, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- H. Imposition of Conditions. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Wind Energy Facility Permit.
- I. Waiver of noise and setback requirements. The Planning Board may choose to waive noise or setback requirements for the approval, approval with modifications or disapproval of Wind Energy Facility Permits only on receipt of written consent from the affected property owners stating that they are aware of the noise and/or setback limitations imposed by this Local Law, and that they agree to (1) allow noise levels to exceed the maximum limits otherwise allowed on their property, and/or (2) allow setbacks less than those required under this Local Law.
- J. Public hearing. The Planning Board shall conduct a public hearing within sixty-two days from the day a completed Wind Energy Facility Permit application is received. Owners of property within one half mile of the proposed facility shall be notified by certified mail at least fourteen (14) days prior to the date of the hearing. Public notice of said hearing shall be printed in the Town of Meredith's official newspapers at least ten (10) days prior to the date thereof. The Planning Board shall decide upon the application within sixty-two days after the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the Planning Board on the application after the holding of the public hearing shall be filed in the office of the Town Clerk of the Town of Meredith within five business days after such decision is rendered, and a copy thereof mailed to the applicant.
- K. Compliance with GML 239-m and SEQRA. In processing the Wind Energy Facility Permit application, the Planning Board shall comply with the requirements of Section 239-m of the General Municipal Law, and with the provisions of the State Environmental Quality Review Act under article eight of the environmental conservation law and its implementing regulations.
- L. Court review. Any person aggrieved by a decision of the Planning Board to approve, approve with modifications, or disapprove a Wind Energy Facility Permit may apply to the New York State Supreme Court for review by a proceeding under Article seventy-eight of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty days after the filing of a decision by such board in the office of the Town Clerk of the Town of Meredith.
- M. Transfer. No transfer of any Wind Energy Facility or Wind Energy Facility Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), shall occur without prior approval of the Town Board of the Town of Meredith, which approval shall be granted upon (1) receipt of proof of the ability of the successor to meet all requirements of this Local Law and (2) written acceptance of the transferee of the obligations of the transferor under this Local Law. No transfer shall eliminate the liability of an applicant or of any other party under this Local Law.

N. Notwithstanding the requirements of this Section, replacement in kind or modification of a Small WECS may occur without Planning Board approval when there will be (1) no increase in Total Height; (2) no change in the location of the Small WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the Small WECS.

**Section 107. Applicability.**

- A. The requirements of this Local Law shall apply to all Wind Energy Facilities proposed, operated, modified, constructed or replaced after the effective date of this Local Law.
- B. Wind Energy Facilities for which a required permit has been properly issued and upon which substantial construction has occurred prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, however, that:
  - 1. Any such preexisting Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Local Law prior to recommencing production of energy.
  - 2. No replacement of, or modification or alteration to, an existing Wind Energy Facility shall be allowed without full compliance with this Local Law.
  - 3. Any Wind Measurement Tower existing on the effective date of this Local Law shall be removed no later than twenty-four (24) months after said effective date, unless a Wind Energy Facility Permit for said Wind Energy Facility is obtained.

**Article 200. SMALL WIND ENERGY CONVERSION SYSTEMS**

**Section 201. Purpose and Intent.** The purpose of this Article is to provide standards for small wind energy conversion systems designed for on-site home, farm, and small-scale commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Article is to encourage the development of small wind energy systems and to protect the public health, safety, and community welfare.

**Section 202. Permitted Areas.** Small WECS may be permitted upon issuance of a Wind Energy Facility Permit on any parcel meeting the standards of this Local Law.

**Section 203. Applications.** Applications for Small WECS Wind Energy Facility Permit shall include:

- A. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant is required.
- B. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed application and (ii) authorizing the submission of the application.
- C. Address of each proposed tower Site, including Tax Map section, block and lot number.
- D. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.

- E. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
- F. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
- G. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.
- H. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation demonstrating the visual impacts from nearby strategic vantage points, including, without limitation, any existing residence or public road within 3,000 feet of the proposed WECS tower. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

**Section 204. Development Standards.** All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section:

- A. A system shall be located on a lot a minimum of one acre in size; however, this requirement can be met by multiple owners submitting a joint application, where the aggregate size of their lots is at least one acre.
- B. Only one Small WECS (plus, where authorized, a temporary wind measurement tower) per one-acre lot shall be allowed. Where there are multiple applicants, their joint lots shall be treated as one lot for purposes of this limitation.
- C. Small WECS shall be used primarily to reduce the on-site consumption of utility-provided electricity.
- D. Total tower heights shall be limited as follows:
  - 1. 65 feet or less on parcels between one and five acres.
  - 2. 110 feet or less on parcels of five or more acres.
  - 3. The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
- E. The maximum turbine power output is limited to 20 KW.
- F. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
- G. The system shall be designed and located in a manner that will minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). Facilities shall not exceed the ridgeline level, where the ridgeline is defined as the average height of the summer-time vegetation on the parcel.
- H. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

- I. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the Planning Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
- J. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
- K. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- L. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - 1. Tower-climbing apparatus located no closer than 12 feet from the ground.
  - 2. A locked anti-climb device installed on the tower.
  - 3. A locked, protective fence at least six feet in height that encloses the tower.
- M. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
- N. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.
- O. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
- P. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
- Q. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
- R. Setback requirements. A Small WECS shall not be located closer to a property line than one and a half times the Total Height of the facility.
- S. Noise. Except during short-term events including utility outages and severe wind storms, a Small WECS shall be designed, installed, and operated so that noise generated by the system shall not exceed the ambient sound plus five (5) decibels at any off-site property.

**Section 205. Abandonment of Use.** A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property within six (6) additional months at the expense of the property owner.

**Section 206. Revocation of permit.** All Small WECS shall be maintained in good condition and in accordance with all requirements of this Local Law. Failure to abide by and faithfully comply with this Local Law or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town of Meredith.

### **Article 300. MISCELLANEOUS PROVISIONS**

**Section 301. Alternative Procedures and Standards.** If a court of competent jurisdiction (1) orders the Planning Board to consider a use variance for any Wind Energy Facility other than a Small WECS, and such use variance is granted, or (2) invalidates the prohibition against any Wind Energy Facility other than a Small WECS, no Wind Energy Facility shall be allowed except upon issuance of a Wind Energy Facility Permit by the Town Board after a public hearing, which Permit shall require a Decommissioning Plan and Removal Bond, a Public Improvement Bond to protect public roads, and shall comply with the following minimum standards and setbacks:

- A. The statistical sound pressure level generated by a WECS shall not exceed the ambient sound level plus 5 decibels, both A-weighted and C-weighted, at any off-site dwelling. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.
- B. Each WECS tower shall be located a minimum of:
  - 1. 2,000 feet from the nearest Site boundary property line.
  - 2. 2,500 feet from the nearest public road.
  - 3. 3,000 feet from the nearest off-site residence existing at the time of application, measured from the exterior of such residence.
  - 4. One and a half times the Total Height of the WECS from any on site non-WECS structure or any above-ground utilities.
  - 5. 1,000 feet from federal or state-identified wetlands, to protect bird and bat populations. This distance may be adjusted to be greater or lesser at the discretion of the reviewing body, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds.
- C. The Wind Energy Facility shall be so designed that no shadow flicker will occur on any off-site property or public road.
- D. To provide an adequate margin of safety against the danger of ice throws, the setback of turbines from offsite properties and roads shall be the maximum calculated distance that ice can theoretically be thrown from the maximum height and speed of the proposed turbine blade tips, in the absence of drag.

### **Section 302. Fees.**

- A. Non-refundable Application Fees shall be as follows: Small Wind Energy Facility Permit: \$150.

- B. The fees established by this section may be changed by Town Board resolution, adopted after a duly-noticed public hearing.

**Section 303. Tax Exemption.** The Town of Meredith hereby exercises its right to opt out of the tax exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.

**Section 304. Enforcement and penalties and remedies for violations.**

- A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Local Law.
- B. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy facility in violation of this Local Law or in noncompliance with the terms and conditions of any permit issued pursuant to this Local Law, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$350 or to imprisonment for a period of not more than six months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$350 for each violation and each week said violation continues shall be deemed a separate violation.
- C. In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.
- D. The penalties established by this section may be changed by Town Board resolution, adopted after a duly-noticed public hearing.

**Section 305. Severability.** Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 306. Effective Date.** This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.