

**LEGAL NOTICE
PUBLIC HEARING**

City of Oneida

PLEASE TAKE NOTICE that a **PUBLIC HEARING** will be held at 6:30 pm on Tuesday, May 21, 2024, in Common Council Chambers, 109 N. Main Street, Oneida, NY on a proposed Local Law for a Moratorium on Wind Energy Conversion Systems in the City of Oneida.

PLEASE TAKE FURTHER NOTICE that the complete text of the Proposed Local Law may be viewed on the City's website www.oneidacityny.gov under Legal Notices and in the City Clerk's lobby.

PLEASE TAKE FURTHER NOTICE that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE that any persons with special needs should contact the City Clerk one week prior to the hearing.

**CITY OF ONEIDA
PROPOSED LOCAL LAW OF 2024**

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM ON
WIND ENERGY CONVERSION SYSTEM (WECS) USES WITHIN
THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, as follows:

Section 1. Title

This local law shall be known as the "Wind Energy Conversion Systems Moratorium Law of the City of Oneida."

Section 2. Findings and Purpose

The City Council of the City of Oneida finds that the proliferation of Wind Energy Conversion Systems (WECS) within the City has raised concerns regarding potential impacts on national security and public safety, particularly as communicated by the U.S. Department of Defense and the Air Force Research Laboratory (AFRL) in Rome. Therefore, the purpose of this local law is to enact a temporary moratorium on the issuance of permits for the permitting, construction, and installation of new WECS and the processing of existing applications while the City Council conducts a review and proposes amendments to existing laws and regulations governing WECS installations.

Section 3. Moratorium on Wind Energy Conversion Systems

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this local law, no application for a permit, zoning permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the City of Oneida, for the placement, construction, erection, or installation of a new Wind Energy Conversion System (WECS) within the City of Oneida.

A. This moratorium shall be in effect for a period of six (6) months from the effective date of this local law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the City Common Council of a resolution indicating the City Common Council is satisfied that the need for the moratorium no longer exists.

B. This moratorium shall apply to all zoning districts and all real property within the City.

C. Wind Energy Conversion Systems (WECS) which have previously been approved or are located on City-owned property are hereby expressly excluded from this moratorium.

Section 4. Review and Amendments

During the moratorium period, the City Council shall conduct a comprehensive review of existing laws and regulations pertaining to WECS installations within the City of Oneida.

The City Council shall engage in dialogue and consultation with the U.S. Department of Defense, the Air Force Research Laboratory (AFRL), and other relevant stakeholders to address concerns regarding national security and public safety.

Based on the findings of the review and consultations, the City Council shall propose amendments to existing laws and regulations governing WECS installations within the City of Oneida.

Section 5. Relief from Provisions of this Local Law

A. The City Common Council reserves to itself the power to vary or adapt the strict application of the requirements of this local law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Planning Department together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the City, shall be reimbursed to the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b in reviewing any application for relief.

C. The Common Council may refer any applications for relief herein to the Planning Commission/Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether or not the requested relief is compatible with any contemplated amendments to the City Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the

application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Planning Department and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

Section 6. Penalties

Any person, who shall construct, reconstruct, relocate, enlarge, or modify any site to be used for a commercial wind energy conversion system (WECS) in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7. Enforcement

This local law shall be enforced by the Code Enforcement Office of the City of Oneida or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this local law.

Section 8. Severability

If any provision of this local law is found to be invalid or unenforceable for any reason, the remaining provisions shall remain in full force and effect.

Section 9. Repeal of Inconsistent Laws

All laws, ordinances, rules, and regulations, or parts thereof, inconsistent with the provisions of this local law are hereby repealed to the extent of such inconsistency.

Section 10. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SANDRA LAPERA

CITY CLERK

May 8, 2024