

LOCAL LAW:1 OF 2024 TO REVISE THE CONESUS TOWN CODE AT CHAPTER 151 TO CLARIFY SECURITY/BOND REQUIREMENTS FOR WIRELESS SERVICE FACILITIES

BE IT ENACTED, by the Town Board of the Town of Conesus, Livingston County, State of New York, as follows:

Section I. Authorization and Supersession

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ___ of 2023 to “Revise Town Code at Chapter 151 to Clarify Security Requirements for Wireless Service Facilities.” The purpose of this Local Law is to revise and clarify the requirements for tower removal security.

Section III. Legislative Finding

The Town Board of the Town of Conesus finds and hereby determines that the Town Code should clearly set forth the requirements for tower removal security.

Section IV. Substantive Legislation

The following local legislation is hereby adopted and shall be codified in the Conesus Town Code as follows:

Section 151-6, subsection 1 thereof, is hereby amended to read as follows:

Removal / Security. Security (which may include, but is not limited to, a cash escrow or a bond) shall be provided and maintained by the owner/operator of the facility to the Town to ensure, and be in an amount sufficient to ensure, the complete removal of the tower installation, all in accord with the Town Code, including but not limited to removal of the tower, appurtenances, pad/base, etc., and restoration of the site, including seeding.

The amount of the security shall be 120% of the estimated cost of removal and site restoration, which cost shall be established by an engineering estimate acceptable to the Town. Said security shall be subject to approval for sufficiency and form by the Conesus Town Board or designee. Acceptable security shall be posted with the Town prior to commencement of construction, and in no event shall a building permit be issued prior to posting of such security.

The amount shall be reviewed every five years and updated as needed (e.g., due to inflation or other cost changes).

In the event of default in completing construction within the permitted periods, or a default in removal in accordance with this Chapter, the security shall be forfeited to the Town, which shall be entitled to maintain action thereon.

The security shall remain in full force and effect until restoration of the property as required herein. Failure to maintain the security shall be a violation of the terms of the special use permit.

Section 151-8, subsection [C](3) thereof, is hereby amended to read as follows:

The owner/operator shall have 90 days from the date of the mailing at (2) above to remove the facility, and, failing timely removal, the Town of Conesus may remove the facility at the

owner/operator's expense making full use of the security issued per § 151-6 above.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Conesus which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law shall be effective immediately upon its approval, upon filing with the Secretary of State.