

ORDINANCE 28

AN ORDINANCE TO DEFINE, PERMIT AND REGULATE THE CONSTRUCTION OF WIND ENERGY CONVERSION SYSTEMS (WECS) AND TO LIMIT THE NOISE LEVEL OF ALL ELECTRICAL GENERATING FACILITIES.

Section 1.

Definitions. Wind Energy Conversion Systems (WECS) is any mechanism designed for the purpose of converting wind energy into electrical or mechanical power.

Section 2.

Plans. Each application for a building permit shall be accompanied by a dimensional representation of the tower including the conversion system, base, and footings and an accurate plan containing the following information:

- 1.) Property lines
- 2.) Proposed location of tower on site
- 3.) Location of all existing structures on site
- 4.) All above ground utility lines
- 5.) All underground utility lines within a radius equal to the proposed WECS height
- 6.) Boundaries of all adjacent utility easements or reversed areas

Section 3.

WECS height. The total height of the tower (including any portion of the rotor or axis extending above the tower) shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line. The horizontal distance may extend beyond the nearest lot line or building line provided there are no overhead utility lines or easements therefore or if the abutting area is a public alleyway. When the height exceeds these requirements, the following information shall be submitted:

- 1.) Dimensional representation of the various structural components of the tower construction including the base and footings;
- 2.) Design data which shall indicate basis of design, including manufacturer's dimensional drawings, installation and operation instructions;
- 3.) Certification by a registered professional engineer or independent testing agency that the tower design is sufficient to withstand wind load requirements for structures as established by the local Building Construction Codes.

Section 4.

Tower access. Climbing access to the WECS tower shall be limited either by means of a fence six feet (6') high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than twelve feet (12') from the ground.

Section 5.

Noise. A WECS operation or any other generating facility shall not produce noise in excess of the following limits:

	Zoning Districts		
	Residential	Commercial	Industrial
Maximum number of decibels permitted from 8:00 am until 11:00 pm daily	55	65	80
Maximum number of decibels permitted from 11:00 pm until 8:00 am of the following day	50	60	75

Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.

Section 6.

Limited Use. Wind Energy Conversion Systems installed in accordance with the requirements of this section shall not generate power as a commercial enterprise.

Section 7.

Electromagnetic Interference. A WECS shall not be installed in any location along the major axis of an existing microwave communications link where the operation of the WECS is likely to produce an unacceptable level of electromagnetic interference, unless the applicant provides evidence indicating the degree of expected interference and the possible effect on the microwave communications link of which is at a level satisfactory to the Building Committee.

Section 8.

Airspace. A WECS shall be located or installed in compliance with the regulations of the airport approach zones and Federal Aviation Regulations for clearance around VOR and DVOR stations.

Section 9.

Interconnect. A WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the electric utility company. In any case, the interconnect shall include a manual disconnect which complies with the National Electric Code.

Section 10.

Codes. Construction, design, and installation of a WECS shall comply with all local, state, and national electrical codes in effect at the time of installation.

Section 11.

Liability. No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the City Engineer a policy of liability insurance indemnifying applicant from liability for personal injury or property damage in the sum of at least \$500,000.00. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least ten (10) days written notice to the City Auditor before cancellation thereof, the building permit to be automatically revoked upon the lapse or termination of said policy.