

TOWN OF ROCK  
ORDINANCE NO. 2008-03

**SMALL WIND ENERGY SYSTEM ORDINANCE**

1. Title. This ordinance may be referred to as the Town of Rock Small Wind Energy System Ordinance.
2. Authority. This ordinance is adopted pursuant to authority granted by Sections 60.62 and 62.23(7) of the Wisconsin Statutes.
3. Purpose. The purpose of this ordinance is to:
  - A. Oversee the permitting of Small Wind Energy Systems; and
  - B. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System.
4. Definitions. In this ordinance:
  - A. "Administrator" means the Town of Rock Zoning Officer.
  - B. "Board" means the Town of Rock Board of Supervisors.
  - C. "Meteorological Tower" (Met Tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
  - D. "Owner" shall mean the individual or entity that intends to own and operate the Small Wind Energy System in accordance with this ordinance.
  - E. "Rotor Diameter" means the cross sectional dimension of the circle swept by the rotating blades.
  - F. "Small Wind Energy System" means a Wind Energy System that has:
    - (1) a nameplate capacity of 100 kilowatts or less;
    - (2) a Total Height of 170 feet or less;
    - (3) a Rotor Diameter of 60 feet or less; and
    - (4) is used to:

- (a) offset consumption of utility energy or back feed electricity to the utility; or
    - (b) provide a source of electricity in locations without pre-existing utility service.
  - G. "Total Height" means the vertical distance from ground level to the tip of a Wind Generator blade when the tip is at its highest point.
  - H. "Tower" means the monopole, freestanding, or guyed structure that supports a Wind Generator.
  - I. "Wind Energy System" means equipment that converts and then stores or transfers energy from the wind into usual forms of energy (as defined by Wis. Stat. § 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.
  - J. "Wind Generator" means blades and associated mechanical and electrical conversion components mounted on top of the Tower.
5. **Standards.** A Small Wind Energy System shall be permitted subject to the following requirements:
- A. **Set Backs.** A Tower for a Small Wind Energy System shall be set back a distance equal to its Total Height from:
    - (1) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
    - (2) any overhead utility lines, unless written permission is granted by the affected utility; and
    - (3) all property lines, unless written permission from all owners of property within a distance from the tower equal to the tower's Total Height is obtained under subsection 5K of this ordinance.
  - B. **Blade Clearance.** The vertical distance from ground level to the tip of a Wind Generator blade when the blade is at its lowest point shall be at least 30 feet.
  - C. **Access.**
    - (1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - (2) The Tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

- D. **Electrical Wires.** All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the Wind Generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- E. **Lighting.** A Tower and Wind Generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- F. **Appearance, Color, and Finish.** The Wind Generator and Tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the Tower Permit.
- G. **Signs.** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, on a Wind Generator, Tower, building, or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.
- H. **Code Compliance.** A Small Wind Energy System including a tower shall comply with all applicable state construction and electrical codes and the National Electrical Code.
- I. **Utility Notification and Interconnection.** Small Wind Energy Systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
- J. **Met Towers.** Met Towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.
- K. **Permission from Adjacent Property Owners.** In the event any tower is to be located within a distance from the property line that is less than its Total Height, such tower may not be placed unless a written agreement is made with the affected property owner and delivered to the Administrator. Such written agreement shall include an agreement by the owner of the property on which the tower is to be placed to indemnify the property owner giving permission from any and all losses and damages resulting from malfunctioning or destruction of the tower. Such agreement shall further include an agreement from the affected property owner that no structure, other than a fence, shall be constructed within a distance from the tower equal to the its Total Height. The Administrator, in his or her discretion, may further require the completion of a survey determining the area located within the distance equal to the Total Height of the tower.
- L. **Health and Safety.** If, in the reasonable discretion of the Administrator, the construction of a Small Wind Energy System in a particular location or in a particular manner will unreasonably endanger the health and safety of persons in the Town, the Administrator may refuse to issue a Tower Permit as described in Section 6 of this Ordinance. The Administrator shall not deny the issuance of a Tower Permit under this subsection, however, unless the particular location or the

particular manner of installation creates a health and safety issue unique to the property, and the Administrator shall not deny the issuance of a permit for aesthetic reasons. Mere proximity to residences or objections from residents shall not be a sufficient basis for denial of a Tower Permit. The Town Board may overrule any decision of the Administrator to grant or deny a permit under this subsection.

6. Permit Requirements.

- A. Tower Permit. A Tower Permit shall be required for the installation of a Small Wind Energy System. No separate building permit or Zoning Permit shall be required.
- B. Documents. The Tower Permit application shall be accompanied by a plot plan which includes the following:
  - (1) property lines and physical dimensions of the property;
  - (2) location, dimension, and types of existing major structures on the property;
  - (3) location of the proposed Tower;
  - (4) the right-of-way of any public road that is contiguous with the property;
  - (5) any overhead utility lines;
  - (6) Wind Energy System specifications, including manufacturer and model, Rotor Diameter, Tower Height, tower type (freestanding or guyed);
  - (7) Tower foundation blueprints or drawings; and
  - (8) Tower blueprints or drawings.
- C. Fees. The application for a Tower Permit for a Small Wind Energy System must be accompanied by a \$250 filing fee.
- D. Expiration. A Tower Permit issued pursuant to this ordinance shall expire if:
  - (1) the Small Wind Energy System is not installed and functioning within 24 months from the date the permit is issued; or
  - (2) the Small Wind Energy System is out of service or otherwise unused for a continuous 12-month period.

7. Abandonment.

- A. A Small Wind Energy System that is out of service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the Owner of a Small Wind Energy System that is

deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the Small Wind Energy System has not been abandoned.

- B. If the Small Wind Energy System is determined to be abandoned, the Owner of a Small Wind Energy System shall remove the Wind Generator from the Tower at the Owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the Owner fails to remove the Wind Generator from the Tower, the Administrator may pursue a legal action to have the Wind Generator removed at the Owner's expense.

8. Tower Permit Procedure.

- A. An Owner shall submit an application to the Administrator for a Tower Permit for a Small Wind Energy System. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in 6.B. above.
- B. The Administrator shall issue a permit or deny the application within one month of the date on which the application is received.
- C. The Administrator shall issue a Tower Permit for a Small Wind Energy System if the application materials show that the proposed Small Wind Energy System meets the requirements of this ordinance.
- D. If the application is approved, the Administrator will return one signed copy of the application with the Tower Permit and retain the other copy with the application.
- E. If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 of the Wisconsin Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.
- F. The Owner shall conspicuously post the Tower Permit on the premises so as to be visible to the public at all times until construction or installation of the Small Wind Energy System is complete.

9. Violations. It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this ordinance or with any condition contained in a ~~Building~~ permit issued pursuant to this ordinance. Small Wind Energy Systems installed prior to the adoption of this ordinance are exempt.

10. Administration and Enforcement.

- A. This ordinance shall be administered by the Administrator or other official as designated.

- B. The Administrator may enter any property for which a Tower Permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
- C. The Administrator may issue orders to abate any violation of this ordinance.
- D. The Administrator may issue a citation for any violation of this ordinance.
- E. The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

11. Penalties.

- A. Any person who fails to comply with any provision of this ordinance or a Tower Permit issued pursuant to this ordinance shall be subject to enforcement and penalties pursuant to the provisions of Sections 2.4 and 2.5 of the Town of Rock Zoning Ordinance.
- B. Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this ordinance.

12. Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

13. Effective Date. This ordinance shall take effect and shall be in full force from and after its passage and publication as provided by law.

DATED this 2nd day of JUNE, 2008.

TOWN OF ROCK

By: Mark P. Gunn  
Mark Gunn, Town Chairperson

By: Bryce O'Leary  
Bryce O'Leary, Town Supervisor

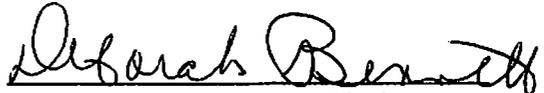
By: Dean Connell  
Dean Connell, Town Supervisor

Attest:

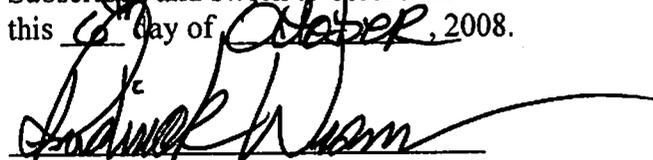
Deborah Bennett  
Deborah Bennett, Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 2<sup>nd</sup> day of June, 2008, and that on the 10<sup>th</sup> day of June, 2008, a copy of the above ordinance was published in The Janesville Gazette, the official newspaper of the Town of Rock.

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 6<sup>th</sup> day of October, 2008.

  
Notary Public, Rock County, Wis.  
My Commission is permanent  
or expires: \_\_\_\_\_