

CHAPTER 2.08**ORDINANCE REGULATING THE
CONSTRUCTION, PLACEMENT, AND
MAINTENANCE OF (WECS)
WIND ENERGY CONVERSION SYSTEMS
WITH THE CITY OF ROTHSAY**

The City Council of the City of Rothsay, Minnesota, does ordain as follows:

SECTION 1. The term "Wind Energy Conversion System (WECS)" means any device that converts wind power to another form of energy such as electricity or heat (also referred to by such common names as wind charger, wind turbin, and windmill).

SECTION 2. The location, design, maintenance and removal of WECS shall be governed as follows:

A. WECS shall be considered a permitted use in all zoning districts. All appropriate regulations within each zoning district must be complied with, in addition to, regulations outlined below.

B. Applications requesting a building permit for a WECS shall furnish such scale drawings and information as the City deems necessary. This information may include, but is not limited to, the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent lot and the location of proposed tower and all guy wires, poles and anchors, and a sketch of elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

C. The permitted maximum height of a WECS shall be determined in one of two ways:
ONE. A ratio of one-to-one between the distance from the closest property line to any part of the WECS to the height of the tower.

TWO. A maximum of one hundred (100) feet in agricultural and industrial districts and sixty (60) feet in residential and commercial districts.

The shortest height of the two above mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the hub or top of the tower, whichever is higher.

D. No part of the WECS shall be located within or above any required front, side or rear setback area.

E. All WECS shall be designed to meet the following minimum standards:

E1. An automatic braking device capable of halting operations in high winds (40 m.p.h. or greater) shall be incorporated.

E2. The WECS shall be designed, constructed and operated so as to not cause radio and television interference.

E3. The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions.

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E4. The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties.

E5. The WECS shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high, nonclimbable fence with a secured access.

E6. The WECS shall be designed and installed to withstand natural lightning strikes.

E7. The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

F. Any WECS which fails to comply with this Ordinance shall be brought into compliance within ninety (90) days after notice by the City, or be dismantled. Any WECS not in operation for twelve (12) months shall be dismantled.

G. Any WECS existing at the date of adoption of this Ordinance or existing at the time of annexation, shall be brought into compliance within twelve (12) months or be dismantled.

H. The owner of a WECS which is to be dismantled, must accomplish such act within thirty (30) days or the City of Rothsay is empowered to dismantle such WECS and assess the costs against the property.

I. Any WECS that are by nature ornamental, rather than functional, shall be exempt from this Ordinance, if total height is less than twenty-five (25) feet.

J. The City of Rothsay requires liability insurance to be maintained on the WECS by its owner.

K. In order to insure adequate wind access, the City of Rothsay does encourage the use of private easements and restrictive conenants as a means to protect wind access.

SECTION 3. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor.

Adopted by the City Council on June 7, 1983.

Attested and signed by:

Wallace Kluck, Mayor
Ethelwyn McBain, Clerk/Treasurer