

Town of Mitchell

Ordinance No.99
Small Wind Energy System

The Town Board of Mitchell, Sheboygan County, Wisconsin, does ordain as follows:

99.1: TITLE

This ordinance is entitled "Town Of Mitchell Personal Wind Energy System Ordinance"

99.2: AUTHORITY

This ordinance is adopted pursuant to authority granted by:

For Towns & Villages: Wis Stat 60.61 and 62.23(7) or 60.22(3) and 66.0401

99.3: PURPOSE

The purpose and intent of this ordinance is to:

1. Oversee the permitting of small wind energy systems to be used for personal use
2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis Stat 66.0401)

99.4: DEFINITIONS

In this ordinance:

1. "Administrator" means the Town of Mitchell Planning Commission
2. "Board" means the Town of Mitchell Board of Supervisors
3. "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, instruments 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.
4. "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
5. "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
6. "Residential: Small wind energy system" means a wind energy system that is for electrical generation on a single family residence in R-1, R-2 and Ag-3 zoning as follows:
 - a. Is used to generate electricity for personal use
 - b. Has a nameplate capacity of 25 kilowatts or less; and
 - c. Has a total height of 75 feet or less
 - d. Shall have the minimum setback of 2 times the height to the distance of lot lines; 2.5 times the height from the distance of a neighbors building structures and 2.5 times the height from the distance of a public roadway.
 - e. One wind energy system allowed per property
7. "Agricultural: Small wind energy system" means a wind energy system that is for electrical generation on a farming operation in Ag-1 and Ag-2 zoning as follows:
 - a. Is used to generate electricity for personal use
 - b. Has a nameplate capacity of 100 kilowatts or less; and
 - c. Has a total height of 125 feet or less
 - d. Shall have the minimum setback of 2 times the height to the distance of lot lines; 2.5 times the height from the distance of a neighbors building structures and 2.5 times the height from the distance of a public roadway.
 - e. One wind energy system per farming operation
8. "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.
9. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
10. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable 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.

wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

- d. Any noise level falling between two whole decibels shall be the lower of the two.

99.6: PERMIT REQUIREMENTS

1. Conditional Use Permit: A conditional use permit shall be required for the installation of a small wind energy system.
2. Building/Electrical Permit: A building permit and electrical permit shall be required for the installation of a small wind energy system.
3. The Conditional Use permit application shall be accompanied by a certified survey map, including but not limited to the following:
 - a. Property lines and physical dimensions
 - b. Location, dimensions, and types of existing major structures on the property
 - c. Location of the proposed wind system tower
 - d. The right-of-way of any public road that is contiguous with the property
 - e. Any overhead utility lines
 - f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed) and kw specifications
 - g. Tower foundation blueprints or drawings
 - h. Tower blueprint or drawing
 - i. Decibel Readings
4. Documents: The building permit application shall be accompanied by a certified survey map, which includes the following:
 - a. Property lines and physical dimensions
 - b. Location, dimensions, and types of existing major structures on the property
 - c. Location of the proposed wind system tower
 - d. The right-of-way of any public road that is contiguous with the property
 - e. Any overhead utility lines
 - f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed) and kw specifications
 - g. Tower foundation blueprints or drawings
 - h. Tower blueprint or drawing
5. Fees:
 - a. The application for a conditional use permit for a small wind energy system must be accompanied by the fee requirement for a Conditional Use permit per zoning ordinance.
 - b. The application for a building permit for small wind energy systems must be accompanied by the fee requirement for a building permit for Permitted Accessory Use.
6. Expiration: A permit issued pursuant to this ordinance shall expire if:
 - a. The small wind energy system is not installed and functioning within 24 months from the date the permit is issued; or
 - b. The small wind energy system is out of service or otherwise unused for a continuous 12 month period.

99.7: ABANDONMENT

1. A small wind energy system that is out-of-service for a continuous 12 month period will be deemed to have been abandoned. The Board 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 Board 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.
2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind energy system from the town at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind energy system, the Board may pursue a legal action to have the wind energy systems removed at the Owner's expense and pay the town's legal fees

99.8: CONDITIONAL USE PERMITS PROCEDURE

1. An Owner shall submit an application to the Administrator for a conditional use permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by 15 copies of the certified survey map identified in Section 6(2) above.
2. The Administrator shall issue a conditional use permit or deny the application within 60 days of the day on which the application was recommended by the Plan Commission and approved by the Board.
3. The Administrator shall issue a conditional use 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.
4. If the application is approved, the Administrator will return one signed copy of the application with the permit send one copy to the Building Inspector and retain one copy with the application
5. 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 Wis Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.
6. Conditional Use Permit will be issued for the first year with the fee set forth in the town fee schedule and has to be reviewed every year thereafter. No charge for renewal.

99.9: BUILDING PERMITS PROCEDURE

1. An Owner shall submit an application to the Building Inspector for a building permit for a small wind energy system. The application must be on a form approved by the Building Inspector and must be accompanied by 15 copies of the certified survey map identified in Section 6(2) above.
2. Building Permit will be issued with the fee set forth in the town fee schedule.
3. The Building Inspector shall issue a building permit or deny the application within 30 days of the day on which the application was approved by the Board.
4. The Building Inspector shall issue a building 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.
5. If the application is approved, the Building Inspector will return one signed copy of the application with the permit and retain one copy with the application
6. If the application is rejected, the Building Inspector 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 Wis Statutes. The applicant may reapply if the deficiencies specified by the Building Inspector are resolved.
7. The Owner shall conspicuously post the building 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.

99.10: 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 unless they fall out of compliance.

99.11: ADMINISTRATION AND ENFORCEMENT

1. This ordinance shall be administered by the Administrator or other official as designated.
2. The Building Inspector may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Board may issue orders to abate any violation of this ordinance
4. The Board may issue a citation for any violation of this ordinance
5. The Board may refer any violation of this ordinance to legal counsel for enforcement

99.12: PENALTIES

1. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Chapter 78, Item 3 of the "Zoning Ordinance Enforcement" of the Town of Mitchell Zoning Code.

99.13: SEVERABILITY

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

This ordinance shall take effect upon enactment and posting. Enacted this ____ day of _____, 2011, by the Town Board of the Town of Mitchell _____, Town Chairperson

Supervisor

Supervisor

Supervisor

Supervisor

Attested by _____, Mari Born, Clerk

Posted _____