



# City of West Allis

## Legislation Text

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**File #:** O-2008-0056, **Version:** 2

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Ordinance to create Section 12.24 and amend Section 12.06 of the Revised Municipal Code to create restrictions for the installation of wind energy systems.

WHEREAS, these regulations will focus on regulations pertaining to the installation of wind energy systems; and

WHEREAS, this ordinance is adopted pursuant to authority granted by Wis. Stat. § 66.0401; and

WHEREAS, West Allis has a governmental interest to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system (per Wis. Stat. §. 66.0401).

NOW THEREFORE, the Common Council of the City of West Allis do ordain as follows:

PART I. Section 12.24 of the Revised Municipal Code is created to read as follows:

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### 12.24 WIND ENERGY SYSTEMS.

#### (1) Definitions.

(a) Tower. The monopole, freestanding, or guyed structure that supports a wind generator.

(b) Wind generator. Blades and associated mechanical and electrical conversion components mounted on top of the tower of a wind energy system.

(2) Application. Applicants for the erection of a wind energy conversion system shall complete a Planning Application Form. The fee that applies shall be either the Level 1, 2 or 3 Site Landscaping Architectural Review Fee that can be found in Section 12.13(17). The application shall be accompanied with (6) scaled site plans for the property to be served showing the location of the wind energy system, distance to property lines, overhead utility lines and the public right of way and the means by which the facility will provide power to structures. If the system is intended to provide power to more than (1) premises, the site plan shall show all properties to be served and the means of connection to the wind energy system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system. Energy easements shall accompany the application.

The Department of Development shall be responsible to inform all abutting property owners of the proposed wind energy system, all property owners shall be informed within 10 days of receiving a completed application including appropriate fees, site plans and easement information.

(3) Standards. Construction and/or installation of wind energy systems shall be a permitted use in all districts if the following requirements are met.

#### (a) Setbacks.

1. If ground-mounted. A wind tower for a wind energy system shall be setback a minimum distance of 1.0

times its total height, as measured from the base walking surface to the tip of a wind generator blade when the tip is at its highest point, from the following:

- a. Any public road, alley and/or public right of way;
- b. Any overhead utility lines not directly serving the premises; and,
- c. Any property lines.

2. If roof-mounted. A wind tower for a wind energy system shall be setback a minimum of 1.0 times its height, as measured from the base to the tip of a wind generator blade when the tip is at its highest point (measured from where the base meets the roof), from the following:

- a. Any public road right of way;
- b. Any overhead utility lines not directly serving the premises; and,
- c. All property lines.

(b) Access.

1. All ground-mounted electrical and control equipment shall be 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 for a minimum height of 8 feet above the ground.

(c) Height.

1. If ground-mounted.

Minimum. The height of the lowest part of the blade of a wind energy system shall be a minimum of 8' from the grade (base walking surface) at the base of the wind energy system.

2. If roof-mounted

Minimum. The height of the lowest part of the blade of a wind energy system shall be a minimum of 8' from the base of the wind energy system (measured from where the base meets the roof).

(d) Sound. A maximum of 50 dB(A) as measured from the property lines. If ambient sound is greater than 50 dB(A) at the property lines then the sound produced from the wind energy system shall be no greater than 5dB (A) above the ambient sound level.

(e) Electrical Wires. All electrical wires associated with a 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.

(f) Lighting. A wind tower and generator shall not be artificially lighted unless the Federal Aviation Administration requires such lighting.

(g) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color that was originally applied by the manufacturer.

(h) 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 wind energy system visible from any public road shall be prohibited.

(i) Code Compliance. A wind energy system including tower shall comply with all applicable state and local building and electrical codes.

(j) Automatic Over-speed Controls. All wind energy systems shall be equipped with automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

(k) Lightning arresters. All wind energy systems shall have lightning arresters installed and properly grounded.

(l) Electro-magnetic Interference. Wind energy system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of the building permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

(m) Utility notification and interconnection. 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."

(4) Abandonment.

(a) A wind energy system that is out-of-service for a continuous 2-year period will be deemed to have been abandoned. The Building Inspector may issue a Notice of Abandonment to the owner of a 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 Building Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

(b) If the wind energy system is determined to be abandoned, the owner of the wind energy system shall remove the wind energy system at the Owner's sole expense within 30 days of receipt of Notice of Abandonment. If the owner fails to remove the wind energy system, the Building Inspector may pursue a legal action to have the wind energy system removed.

(5) Violations.

It is unlawful for any person to construct, install, or operate or fail to remove a 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.

(6) Penalties.

Any person, firm, corporation, or other entity convicted of a violation of this section shall, for each offense, forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), together with the costs of prosecution: and in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in section 800.095(4) of the Wisconsin Statutes."

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PART II. Amend Section 12.06 of the Revised Municipal Code to read as follows:

12.06 Definitions.

Wind energy system. 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.

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PART III. All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

cc: Department of Development  
City Attorney's Office  
Department of Building Inspections and Neighborhood Services

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