

CHAPTER 1.28

SMALL WIND ENERGY SYSTEM

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01.28.005 Title.

This ordinance may be referred to as the Small Wind Energy System Ordinance.

01.28.010 Purpose. The purpose of this ordinance is to:

- (1) Oversee the permitting of small wind energy systems.
- (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

01.28.015 Definitions. In this ordinance:

- (1) “Administrator” means the City of Tremonton Zoning Administrator.
- (2) “Occupied” means primary living space, not to include out buildings.
- (3) “Owner” shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
- (4) “Rotor Diameter” means the cross sectional dimension of the circle swept by the rotating blades.
- (5) “Small Wind Energy System” means a wind system that
 - (a) Is used to generate electricity;
 - (b) has a capacity of 100 kilowatts output or less;
 - (c) has a total height of seventy (70) feet or less. Height may be increased up to 110 feet in height for those areas within an industrial zone.
- (6) “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.
- (7) “Tower” means a freestanding monopole structure, no guyed structures will be allowed.
- (8) “Wind Energy System” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
- (9) “Wind Generator” means blades and associated mechanical and electrical conversion components mounted on top of the tower.

01.28.020 Standards.

A small wind energy system shall be a permitted use in all zoning districts subject to the following requirements:

- (1) Minimum site area per single small wind energy system shall be 20,000 square feet.
- (2) Towers and associated equipment shall be listed for use. Other small wind energy systems that may be attached to buildings or other structures that are listed for use are permitted provide all other requirements of this ordinance are met.
- (3) There shall be a minimum vertical blade clearance from the ground of twenty (20) feet.
- (4) A wind tower shall be set back a distance equal to its total height from all property lines and required distances from other utility infrastructure. No wind tower shall be placed within any front yard area. Exception: Those properties with limited rear or side yards by a conditional use permit from the Planning Commission may place a wind tower in the front yard area.
- (5) Towers shall be labeled or secured to prevent unauthorized access.
- (6) A wind tower shall not be artificially lighted or exceed the permitted height that would require any type of lighting.
- (7) The wind tower and associated equipment shall be painted or finished a non-obtrusive neutral color or finish.
- (8) Small wind energy systems shall not cause a sound pressure level in excess of sixty (60) dB(A) or in excess of five (5) dB(A) above the back ground noise, as measured to the nearest property line. This level may be exceeded during short-term events such as utility outages or severe wind storms.
- (9) Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line containing the wind tower.
- (10) Small wind energy systems shall not cause interference with television, satellite, microwave, navigational, or radio reception to neighboring properties and areas.
- (11) Small wind energy systems shall not cause shadow flicker upon any neighboring primary occupied structure.
- (12) Small wind energy systems shall have an automatic system to prevent uncontrolled rotation.
- (13) A small wind energy system including tower shall comply with all applicable building and local codes.

01.28.025 Permit Requirements.

- (1) A building permit shall be required for the installation of a small wind energy system.
- (2) The building permit application shall be accompanied by a plot plan and documents which include the following:
 - (a) Property line and physical dimensions of the property;

- (b) Location, dimensions, and types of existing 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) Engineered wind system specifications, including manufacturer and model, rotor diameter, tower height, and tower type;
 - (g) Engineered Tower foundation drawing(s);
 - (h) Engineered Tower drawing(s).
 - (i) All submitted drawings and specifications must be stamped by an Engineer.
- (3) A building permit fee will be assessed upon approval and issuance of the building permit.
 - (4) A building permit pursuant to this ordinance shall expire if:
 - (a) The small wind energy system is not installed and functioning within six (6) months from the date the permit is issued.

01.28.30 Abandonment.

A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned and must be in service as installed or removed.

01.28.035 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 Section 1.01.80 of this Code.

01.28.040 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.

(Am 8-4-2009)

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