

TOWN OF SPRINGDALE
DANE COUNTY, WISCONSIN

**ORDINANCE 2007-10-3,
LARGE WIND ENERGY SYSTEM ORDINANCE**

It is Hereby Ordained by the Town Board of Springdale, Dane County, as follows:

00.01 Title.

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

00.02 Authority.

This ordinance is adopted pursuant to authority granted by the Wisconsin Statutes, including but not limited to, Wis. Stat. § 62.23(7), 60.22(1), 60.22(3), 61.34, and 66.0401.

00.03 Purpose.

The purpose of this ordinance is to:

- (1) Oversee the permitting of large wind energy systems
- (2) Preserve and protect public health and safety. The purpose is not to significantly increase the cost or decrease the efficiency of a large wind energy system (per Wis. Stat. § 66.0401).

00.04 Definitions.

In this ordinance:

- (1) “Board” means the Town of Springdale Board of Supervisors.
- (2) “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.
- (3) “Owner” shall mean the individual or entity that intends to own and operate the large 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) “Large wind energy system” means a wind energy system that
 - (a) is used to generate electricity;
 - (b) has a nameplate capacity of 100 kilowatts or more; and
 - (c) has a total height of 100 feet or more.

- (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 the monopole, freestanding, or guyed structure that supports a wind generator.
- (8) “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, free-standing equipment shed located within thirty (30) feet of the tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (9) “Wind generator” means blades and associated mechanical and electrical conversion components mounted on top of the tower.

00.05 Standards.

A large wind energy system shall be allowed to be installed in the Town subject to the following requirements:

- (1) **Setbacks.** A wind tower for a large wind system shall be set back:
 - (a) a distance equal to twice its total height from:
 - (i) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (ii) any overhead utility lines, unless written permission is granted by the affected utility;
 - (iii) all property lines, unless written permission is granted from the affected land owner or neighbor.
 - (iiii) all structures, other than the system structures, unless written permission is granted from the affected land owner or neighbor.
 - (b) a distance greater than one-half mile from the historic Springdale Lutheran Church and Donald Park, a Dane County park.
- (2) **Access.**
 - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - (b) 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.
- (3) **Electrical Wires.** All electrical wires associated with a large 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.
- (4) **Lighting.** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (5) **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 approved in the permit.

- (6) 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 large wind energy system visible from any public road shall be prohibited.
- (7) Code Compliance. A large wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (8) Utility notification and interconnection. Large 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."
- (9) Met tower shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a large wind energy system.

00.06 Permit Requirements.

- (1) Permit. A permit shall be required for the installation of a large wind energy system.
- (2) Documents: The permit application shall be accompanied by a plot plan of the property on which the large wind energy system will be located which includes the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location, dimensions, and types of existing major structures on the property;
 - (c) Location of the proposed wind system tower and equipment shed;
 - (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);
 - (g) Tower foundation blueprints or drawings;
 - (h) Tower blueprint or drawing; and
 - (i) Reclamation plan in case of abandonment.
- (3) Town Board Approval. Before any permit to install a large wind energy system may be issued, the Town Board shall examine the application for the permit for compliance with the requirements of this ordinance and may approve the application by a majority

vote.

- (4) Fees. The application for a permit for a large wind energy system must be accompanied by the fee specified by the Town Board. The Owner shall agree to reimburse the Town's reasonable attorney, qualified engineering, and building inspector fees relating to the evaluation, preparation and issuance by the Town of the permit.
- (5) Expiration. A permit issued pursuant to this ordinance shall expire if:
 - (a) The large wind energy system is not installed or functioning within 36 months from the date the permit is issued; or,
 - (b) The large wind energy system is out of service or otherwise unused for a continuous 12-month period.

00.07 Abandonment.

- (1) A large wind energy system that is out-of-service or otherwise unused for a continuous 12-month period will be deemed to have been abandoned. The Town Board may issue a Notice of Abandonment to the owner of a large wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 120 days from the date of receipt of the Notice of Abandonment. The Town 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 large wind energy system has not been abandoned.
- (2) If the large wind energy system is determined to be abandoned, the owner of a large wind energy system shall remove the large wind energy system at the Owner's sole expense within 4 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Town Board may pursue a legal action to have the wind generator removed at the Owner's expense.
- (3) Prior to construction of a large wind energy system, the owner shall file with the Town a letter of credit or other security in a form approved by the Town attorney and in an amount that is 150% of the reasonable cost to remove the large wind energy system. The amount of the letter of credit or other security shall be revised and approved by the Town Engineer. In the event that the reasonable cost to remove the large wind energy system increases, the Town Board may require the Owner to increase the amount of the letter of credit or other security to keep the Town reasonably protected.

00.0 8 Violations.

It is unlawful for any person to construct, install, or operate a large wind energy system that is not in compliance with this ordinance or with any condition contained in a permit issued pursuant to this ordinance. Large wind energy systems installed prior to the adoption of this ordinance are exempt.

00.09 Administration and Enforcement.

- (1) This ordinance shall be administered by the Town Board or other official as designated.
- (2) By accepting a permit, the owner agrees that the Town Board or other official as designated 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. If necessary, the owner of the large wind energy system shall be responsible for obtaining the permission of an owner of property on which the large wind energy system is to be installed to allow the Town Board or other official as designated to conduct the inspection.
- (3) The Town Board or other official as designated may issue orders to abate any violation of this ordinance.
- (4) The Town Board or other official as designated may issue a citation for any violation of this ordinance.
- (5) The Town Board may refer any violation of this ordinance to the Town attorney for enforcement.

00.10 Penalties.

- (1) Any person who fails to comply with any provision of this ordinance or a permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Title 1 ch.1 section 6, General Penalty of the Town of Springdale Code of Ordinances.
- (2) Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this ordinance.

00.11 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.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Springdale, Dane County, Wisconsin at a meeting held on October 15, 2007, by a vote of

_____ in favor, _____ opposed and _____ not voting due to absence.

TOWN OF SPRINGDALE

Ed Eloranta, Town Chair

ATTEST:

Vicki Anderson, Town Clerk

Adopted: October 15, 2007

Posted: October 15, 200