

AN ORDINANCE RELATING TO THE INSTALLATION AND MAINTENANCE OF WIND ENERGY CONVERSION SYSTEMS BY ESTABLISHING REGULATIONS AND RULES, REQUIRING PERMITS AND PROVIDING FOR ABATEMENT OF NUISANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

Section 1. That the Governing Body of the City of Sedgwick, Kansas, deems it advisable and in the public's welfare to regulate the installation and maintenance of wind energy conversion systems and said wind energy conversion systems shall be regulated as set forth in the following sections.

Section 2. WIND ENERGY CONVERSION SYSTEM, (WECS), means any device or combination of devices, including but not limited to wind charges, windmills, and wind turbines, which converts wind energy into another usable form of energy; the term shall include all associated support structures and transmission equipment.

Section 3. Permit Required. Every person, firm, or corporation who desires to install a wind energy conversion system (WECS) shall be required to secure a permit from the City Clerk. The application for such permit shall contain such information and comply with such regulations listed below:

- A. The minimum distance from all zoning lot lines to any tower, pole, or other support base of the WECS shall be determined by the following table:

<u>Rotor Diameter (feet)</u>	<u>Setback Distance (feet)</u>
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40 and above	385

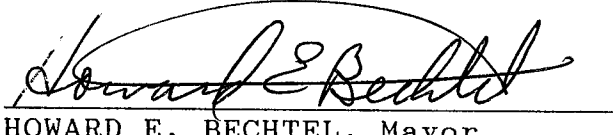
Intermediate rotor size distances shall be interpolated. The WECS shall not be located in any required yard.

- B. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed 60 dBA in a residential zone.
- C. A six foot (6') high fence with locking portal shall be placed around the WECS support or if a tower is utilized the tower apparatus shall be limited to no lower than twelve feet (12') from the ground or the WECS support may be mounted on a roof top.
- D. All blades of a WECS shall be constructed of non metallic substances. If the applicant can prove, in written form, that no electromagnetic interference will result, a metal content up to twenty-five percent (25%) will be acceptable.

- E. Certification by a licensed professional structural engineer that: the technical and dimensional data included in the application is accurate; that the proposed WECS is structurally adequate to withstand foreseeable natural phenomena; that the tower and top adapter will withstand minimum horizontal thrusts of nine-hundred (900) pounds; and that it in all respects conforms to the requirements set forth in this Section.
- F. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty feet (20'). The height of the WECS shall be measured at the center of the blade diameter.
- G. Certification will be required from the Rocky Flats Plant Energy Group, Golden, Colorado, that it has tested the proposed WECS, together with resulting data pertaining to the operation, safety, noise and potential interference with television, radio, or communication reception, by the proposed WECS.
- H. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.
- I. A plot plan shall be submitted with the application for building permit showing the proposed location and dimensions of the WECS, guy wires or other support, fencing, and all existing buildings within two-hundred feet (200') of the exterior lot lines.
- J. A list of all property owners within two-hundred feet (200') of the boundaries of the site upon which the WECS is proposed to be installed shall accompany all other required documents.
- K. The owner/operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
- L. The owner/operator shall certify that the WECS does not violate any covenants or record.
- M. No WECS shall be located nearer to an existing WECS than a distance equal to five times the diameter of the larger rotor, provided that this distance may be reduced upon a showing that such reduction will not adversely affect the operation of either WECS.
- N. Maintenance on any WECS shall be performed in accordance with the manufacturer's recommendations. Rotor blades shall be checked for fatigue annually by a licensed professional structural engineer, who shall certify the results of such inspection to the Zoning Administrator within ten (10) days thereafter.
- O. The applicant shall provide certificate of liability insurance. Annually the owner/operator shall present evidence to the Zoning Administrator that said liability insurance is still in effect.
- P. Any WECS which thereafter becomes inoperable or fails to conform to the requirements hereof shall be repaired or removed within thirty (30) days.

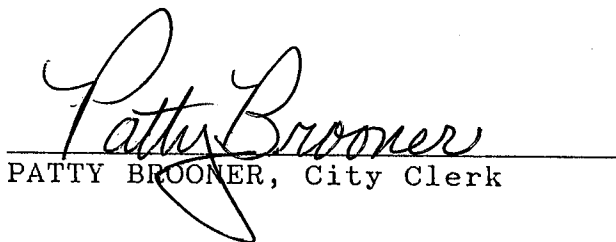
Section 4. This ordinance shall be in full force and effect upon adoption and publication once in the official city newspaper.

Passed and Adopted by the Governing Body of the City of Sedgwick, Kansas, this 5th day of SEPTEMBER 1989.



HOWARD E. BECHTEL, Mayor

ATTEST:


PATTY BROONER, City Clerk