

ORDINANCE 2018-137

AN ORDINANCE REPEALING RESOLUTION 2009-249 and PROVIDING FOR AND AUTHORIZING THE CONSTRUCTION AND USE OF WIND TURBINES WITHIN THE TOWN OF ROLLING HILLS

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS, CONVERSE COUNTY, WYOMING:

WHEREAS, the Governing Body for the Town of Rolling Hills recognizes the desire for wind energy and, for the safety of all residents, wishes to establish standards, conditions, and procedures for the placement and use of wind turbines within the Town; and,

WHEREAS, Wind turbines shall be permitted within the Town of Rolling Hills subject to the requirements provided herein.

Section 1: Purpose. This Ordinance is intended to promote the use of wind turbines in a safe and effective manner within the Town of Rolling Hills.

Section 2: Definitions. For purposes of this Ordinance, the following terms are defined as follows.

1. Electrical Interference. "Electrical Interference" is a disturbance generated by an external source that affects an electrical circuit.
2. Electromagnetic. "Electromagnetic" means the interaction between electricity and magnetism.
3. Evidence. "Evidence" is facts or information indicating whether requirements have been met.
4. Freestanding. "Freestanding" means to not be supported by wires or cables, and not mounted on any building or structure.
5. Mitigate. "Mitigate" means to lessen the effect of.
6. Roof Mount. A "Roof Mount" is a support located on a roof upon which a wind turbine may be assembled.
7. Setbacks. "Setbacks" are the distance a structure must be from the edge of a lot.
8. Tower. A "Tower" is a structure, taller than it is wide, for supporting a wind turbine.
9. Wind Turbine. A "Wind Turbine" is a device that converts the wind's kinetic energy into electrical energy. For purposes of this ordinance, the Wind Turbine may be a vertical axel or a horizontal axel.

Section 3: Requirements.

1. One wind turbine, roof mount or freestanding, is allowed per lot whose size is a minimum of 2.5 acres.

2. Wind turbines must be professionally constructed by a licensed professional with extensive knowledge of wind turbines and must be made with durable materials. Homemade towers and turbines are not permitted.
3. Tower colors shall be white, off-white, gray or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
4. The maximum tower height is 50 feet.
5. Minimum setbacks for the tower shall be 1.5 feet for every foot of tower. If a tower is 50 feet tall, it must be 75 feet from all property lines.
6. No wind turbine shall be installed until evidence that the electrical utility company has been informed of, and has approved the same.
7. No artificial lighting shall be used on the turbine except as required by FAA codes and regulations.
8. All wind turbine systems shall be equipped with manual and automatic over-speed controls to limit the blade speed within the design limits, and a manual shut-off which can be utilized by the home owner and the utility company.
9. Applicants must include documentation from the manufacturer that the generator includes safety features to mitigate the effects of high wind conditions.
10. No equipment associated with a wind turbine shall cause electromagnetic or electrical interference.
11. The wind turbine shall be located and maintained such that sound levels do not exceed 50 dBA as measured at any neighbor's residentially zoned property, assuming a wind speed of 12 m/s (26.8 mph). If the sound rating for the wind energy system is known for a given distance, the method of deducting 6 dB for every doubling of distance shall be sufficient to demonstrate compliance with the sound limitation.
12. No tower shall have a climbing apparatus within 10 feet of the ground.
13. Wind turbine systems shall be finished and maintained as manufactured.
14. A permit must be applied for and approved prior to construction of said wind turbine. The permit shall be adopted via resolution.
15. When a property with an existing wind turbine is sold, deeded, or in any way exchanges hands by virtue of new ownership, within two months, the new owner must provide proof that the electrical utility company has transferred the wind turbine to the new owner's electrical utility account. If no proof of transfer is provided within two months of the date of the property exchange, the wind turbine must be decommissioned and removed from the property in its entirety.

16. Any wind turbine that has not operated on a functional basis for a period of six consecutive months shall be deemed abandoned and must be decommissioned and removed from the property in its entirety.
17. The Town, through its appropriate contractors, reserves the right to enter upon and disconnect, dismantle or otherwise remove any wind turbine system should it become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Zoning Committee or Town Council. Emergency circumstances may include natural or manmade disasters or accidents. When the Town becomes aware of the emergency, the Town will first attempt to notify the property owner in order for the property owner to immediately remedy the hazard. If the property owner cannot be located, the Town will immediately remedy the hazard and the property owner shall reimburse the Town for all costs incurred for action taken pursuant to this section. If the property owner fails to reimburse the Town for all costs incurred for action taken pursuant to this section, the Town will reserve all legal rights and remedies it has available to it under the law and will pursue Court action against said property owner.

Section 4: Authorization. Authorization for these regulations is found in Wyoming Statutes §§ 15-1-601 thru 610, as hereafter amended.

Section 5: Severability. If any clause, sentence, paragraph or part of this ordinance or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this ordinance.

Section 6: Other Ordinances and Resolutions Repealed. Resolution 2009-249 and all other ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: Effective Date. This ordinance shall take effect from and after its passage, approval, and publication as required by law and ordinances of the Town of Rolling Hills.

Section 8: Penalties. Any person who violates this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed Seven Hundred Fifty Dollars (\$750.00).

APPROVED, PASSED AND ADOPTED this 17th day of April, 2018.
Jon O. Maines, Mayor