

**SMALL WIND ENERGY SYSTEM
ORDINANCE 47-11**

§448 SMALL WIND ENERGY SYSTEM

Small Wind Energy Systems are encouraged as alternative energy options. Small Wind Energy Systems are recognized in this Ordinance as an Accessory Use for individual homes, farms and farmsteads, small businesses, institutions and public facilities in all zoning districts. In order to protect public safety and adjacent landowners a zoning permit shall be required and certain information shall be submitted.

A. Permit Application:

A drawing, which shows the proposed position of the wind turbine(s) in relation to existing structures and the property line, with measured distances to the property line and all existing features, shall be submitted to the Township Zoning Officer. Specific information on the turbine shall include manufacturer, power generating capacity, tower height, blade length, tower material, electrical cabling from the turbine to all user connections and all Installation / Operating Instructions and Safety Warnings from the Manufacturer.

B. Supplementary Use Regulations include:

1. Wind towers shall not encroach into any airport approach glidepath. All wind tower sites for turbines that will be higher than adjacent buildings or silos shall be checked by the FAA, or a local airport official authorized to conduct such siting review, and written certification shall be submitted that the proposed wind towers will not create a safety hazard for aircraft.
2. Wind towers shall be set back a minimum of 1.5 times the Turbine height from the property line.
3. Wind turbines may be installed upon farm silos or barn structures or structures of the principal use so long as the wind turbine installer or manufacturer's warranty covers such installation and all safety features are in working order.
4. Certification from the turbine installer that the turbine and related facilities and equipment have been installed in accordance with the manufacturer's recommendations and in accordance with applicable provisions of this Ordinance shall be submitted to the Zoning Officer as documentation for a Certificate of Occupancy.
5. Advertising signs of any type shall not be permitted' on the wind turbine towers, nacelle, meteorological tower, antenna or accessory facilities. Owner and manufacturer identification signs shall be allowed.
6. The height of the complete structure and accessory structures are exempt from the height limits found in this Zoning Ordinance.
7. Turbines shall be in compliance with the Pennsylvania Uniform Construction Code, 34 Pa. Code Section 403.1-403.142. All electrical components shall conform to all relevant and applicable local, state and

national codes, and international standards. Design of the wind energy turbine shall conform to applicable standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar applicable certifying organizations prior to the issuance of the Certificate of Occupancy.

8. Clearly visible warning signage concerning voltage must be placed at the base of all pad-mounted transformers and substations.
9. Any guy wires to be installed must be clearly marked with flags, reflectors or other visible materials placed up to fifteen (15) feet from ground level.
10. All access doors to wind towers and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.
11. Audible sound from a Wind Turbine and related equipment shall not exceed fifty-five (55) DBA, as measured at the exterior of any Occupied Building on an adjacent landowner's property. Methods for measuring and reporting acoustic emissions from a Wind Turbine shall be equal to or exceed the minimum standards for precision in AWEA Standard 2.1 1989.
12. One or more Wind turbines are permitted as part of a Small Wind Energy Facility as an accessory use if the following conditions are met:
 - a. The property on which a Wind Turbine is proposed to be located must have a permitted primary use which would be drawing electricity from said Wind Turbine.
 - b. The property must be at least one acre in size.
 - c. All properties shall be permitted to have one Wind Turbine. Non residential properties shall be permitted to have one additional Wind Turbine if the property is five (5) acres or larger in size.
13. Decommissioning.
 - a. A Small Wind Energy Facility that is out-of-service for a continuous 24-month period will be deemed to have been abandoned. The Zoning Officer may issue a Notice of Abandonment to the owner of a small 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 Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
 - b. If the Small Wind Energy Facility is determined to be abandoned, the owner of the system shall remove the wind generator and the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Officer may pursue a legal action to have the wind generator removed at the Owner's expense.

ARTICLE 14. DEFINITIONS

§1400. Interpretations

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural meanings; and words expressed in the plural shall include their singular meanings; the word "structure" shall include the word "building"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional or permissive. The word "may" is permissive. The word "auto" shall mean "automobile", "truck", "semi-trailer", "truck trailer", "motorized conveyance", or "motorized vehicle", except farm or construction equipment and machinery. The word "person" shall mean any individual, group of individuals, partnership, company, corporation, limited liability corporation, unincorporated association, institution, cult, cooperative enterprise, tribe or sect. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". In any provisions of this Ordinance prescribing a procedure, requirement, fine, penalty, imprisonment or combination thereof, the term "person" shall include the officers and directors of any corporation or legal entity having officers and directors and the requirements or effects and responsibilities imposed herein shall apply individually and collectively.

§1401. DEFINITIONS

BLADE LENGTH - the length of a wind turbine blade measured from the tip of any blade to the hub of the nacelle.

FACILITY OWNER - the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

HUB HEIGHT - the distance measured from the surface of the tower foundation to the top of the wind turbine hub (nacelle), to which the rotor blades are attached.

NON-PARTICIPATING LANDOWNER - any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the facility owner or operator.

OCCUPIED BUILDING - a single family or multifamily dwelling, school, hospital, church, public library or other building used for public gathering that is in use when the zoning permit application is filed.

OPERATOR - the entity responsible for the on-going operation and maintenance of a Wind Energy Facility, or other commercial or industrial facility or operations, business, factory, institution, shopping center, truck

terminal, hospital or medical center.

PARTICIPATING LANDOWNER - a landowner upon whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the facility owner or operator.

PUBLIC UTILITY SERVICE – A privately owned corporation or business or publicly owned authority which provides services such as water supply, wastewater collection and treatment, electricity, telephone or telecommunications, or heat directly to the public and which is regulated by the Pennsylvania Public Utility Commission.

SMALL WIND ENERGY SYSTEM – A single tower, or multiple towers, situated on a parcel of property or farm to provide energy from a wind turbine source to an individual home, multi-family residential use, offices or business and industrial or agricultural uses located on the same property or farm. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

TOWER BASE - the foundation, typically made of reinforced concrete, which extends below the ground surface and to which the Wind Tower is attached.

TURBINE HEIGHT (TOWER HEIGHT) - the distance measured from the surface of the turbine tower foundation to the highest point in vertical position of the turbine rotor blade.

WIND TOWER - In total a structure for converting wind sources into electricity through a system using a wind turbine generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.

WIND TURBINE - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

ATTEST:

BOARD OF SUPERVISORS OF
MT. PLEASANT TOWNSHIP

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