

ORDINANCE NO. 409

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRONTE, TEXAS:

Section 1

The purpose of this ordinance is to accommodate distributed generation/small wind energy systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

Section 2

Small Wind Energy Systems

(A) Definition. In this section, *Small Wind Energy System* or *System* means a wind-driven energy conversion system that converts wind energy into electricity through the use and consisting of a wind turbine, a tower, and associated control or conversion electronics, that has a rated capacity of not more than 100kw, and that is intended for on-site production and consumption of electricity.

(B) General Regulations: The following general regulations apply to all Small Wind Energy Systems located within any single-family district. A Small Wind Energy System lawfully in existence at the time of the enactment of this section shall not be required to meet the requirements established herein.

(1) Required Plans and Specifications.

In addition to the submittals otherwise required upon making application for a building permit, the application for a building permit for a Wind Energy System must be accompanied by:

(a) A site plan of the proposed Wind Energy System, which shall include:

(i) A survey or a scaled drawing of the site on which the proposed Wind Energy System will be constructed;

(ii) A plan view layout of the proposed Wind Energy System clearly showing:

- >The location of the System in respect to the property on which the System will be built;
- >All components of the System;
- >Distance of the System to property lines;
- >Required setbacks;
- >Existing structures on the site;

>Natural features such as watercourses and trees;

(iii) Elevation drawings that include:

- >The design and height of the proposed Wind Energy System;
- >Detailed drawings of all System components;
- >Screening requirements; and

(iv) A line drawing of the electrical components of the System in sufficient detail to allow for a determination that the manner of installation conforms with the 2005 National Electrical Code in effect at the time of construction;

(b) Standard installation drawings of the wind turbine structure, including the tower, base, and footings.

(c) Either an engineering analysis of the tower or a copy of the manufacturing specifications demonstrating compliance of the System with the edition of the International Residential Code in effect at the time of construction. An engineering analysis shall be certified by a licensed professional engineer registered in the State of Texas.

(d) Evidence of the notice to the utility company as required by subsection (B)(10) below.

(2) *Construction Standards.* A Wind Energy System shall be installed according to the manufacturer's recommendations or under the seal of a professional engineer registered by the State of Texas.

(3) *Maximum Height.* The tower height of a Wind Energy System shall not exceed 50 feet. Additionally, no tower shall exceed the height recommended by the manufacturer or the distributor of the Wind Energy System.

The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be 10 feet above the height of any structure within 150 feet of the base. The supporting tower shall also be enclosed with a 6-foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

(4) *Location and Setback.* The tower structure of a Wind Energy System shall be anchored only in the rear yard of the lot on which the System is located. The minimum distance between a Wind Energy System and any property line shall be a distance that is equivalent to one hundred ten per cent (110%) of the total system height plus the blade length from all adjacent property lines. No part of a Wind Energy System, including blades or guy wire anchors, may protrude across

a property line unless prior to making application for the System, the owner obtains and files with the City an easement from the adjoining property owner that specifically authorizes the protrusion. (Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.)

(5) *Primary Structure Required.* A Wind Energy System may exist only as a secondary use. A Wind Energy System may not be erected on a lot until a primary structure has been constructed.

(6) *Sound Pressure Levels.* Sound pressure levels produced by the operation of a Wind Energy System shall not exceed 60 decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

The wind energy system generators and alternator should be constructed so as to prevent the emission of radio and television signals. The applicant should correct any signal disturbance problem that is identified within ninety days.

(7) *Lighting.* All lighting not required by Federal Aviation Administration ("FAA") regulation is prohibited not including, however, operational lighting installed by the manufacturer of the system as original equipment. When obstruction lighting is required by FAA regulations, such lighting shall not exceed the minimum requirements of those regulations. If so required, a Wind Energy System tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L0864), flashing no faster than 20 flashes per minute. Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.

(8) *Signs.* No advertising or other signs shall be placed on a Wind Energy System.

(9) *Color.* The wind energy system shall be a galvanized steel finish or painted a neutral color if the owner is attempting to reduce visual obtrusiveness.

(10) *Prohibited in Easements.* No portion of a Wind Energy System shall be located in, on or across a public easement unless authorized by the easement holder.

(11) *Notice to utility company on grid-interconnected systems.* No grid-interconnected Wind Energy System shall be installed until evidence has been provided to the City that the appropriate electrical provider has been informed of the customer's intent to install a grid-connected customer-owned Wind Energy System. Off-grid systems are exempt from this requirement.

all other components of the Wind Energy System from the site of the original installation.”

Section 3

That a violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine not to exceed \$200.00 per violation.

Section 4

The City Council may waive any portion of this ordinance in such cases where, in the opinion of the City Council, the waiver would not be contrary to the spirit and intent of this ordinance.

Section 5

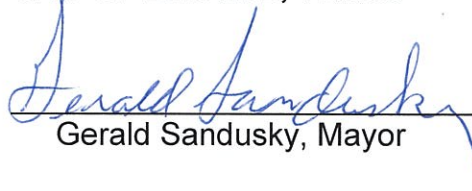
That the terms and provisions of this Ordinance are severable and if any provision, section, subsection, sentence, clause or phrase of this ordinance is for any reason held be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6

This Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this 13th day of November, 2008.

CITY OF BRONTE, TEXAS


Gerald Sandusky, Mayor

ATTEST:


City Secretary