

## **ORDINANCE NO. 161, 2<sup>ND</sup> SERIES**

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED “LAND USE REGULATIONS (ZONING)” BY ADDING A NEW SECTION 11.53 ENTITLED “WIND ENERGY CONVERSION SYSTEMS REGULATIONS” AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

**Section 1.** City Code, Chapter 11 Entitled “Land Use Regulations (Zoning)” is hereby amended by adding Section 11.53 to read as follows:

### **SECTION 11.53. WIND ENERGY CONVERSION SYSTEMS REGULATIONS.**

**Subd. 1. Authority & Purpose.** This provision is enacted pursuant to the authority granted by the Municipal Planning Act, M.S.A. 462.351, et seq. The intent of this provision is to ensure public health, safety and general welfare in accordance with adopted goals, plans and policies of the City of Paynesville, to enhance privacy and the quality of the physical environment of the City; to protect and maintain property values and preserve and develop the economic base within the City.

#### **Subd. 2. Definition.**

**Wind Energy Conversion System or Windmill.** An apparatus capable of converting wind energy into electricity.

**Subd. 3. Permitted Wind Energy Systems.** Wind energy systems may be permitted as a conditional use in any zoning district.

**Subd. 4. Requirements to Obtain a Conditional Use Permit.** In order to qualify for a Conditional Use Permit in any zoning district, the wind energy conversion system must meet the following criteria:

i) Wind energy conversion systems shall be set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor.

ii) Wind energy conversion systems shall be certified by a professional engineer as being of a design adequate for the atmospheric conditions in the area.

iii) Wind energy conversion systems shall be equipped with over speed or similar controls designed to prevent disintegration of the rotor in high winds.

iv) Wind energy conversion systems shall be in compliance with all building and electrical code requirements of the City, noise regulations of the Minnesota

Pollution Control Agency, and rules and regulations of the Federal Communication Commission and Federal Aviation Administration.

v) The Conditional Use Permit shall provide that if a wind energy conversion system has not been operated for a period of one (1) year or fails to meet the conditions required in this section, the City Council may order it dismantled and the site restored to its original condition.

vi) The Conditional Use Permit shall further provided that if the owner or person responsible for a wind energy conversion system does not maintain it or comply with all requirements of this chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on 10 days notice.

vii) Wind energy conversion systems shall not have exterior lights that illuminate or glare upon or into adjoining parcels of real estate.

**Section 2.** City Code, Chapter 1, entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 11.99 entitled “Violations a Misdemeanor”, are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 8<sup>th</sup> day of August, 2016.

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Jeff Thompson, Mayor

ATTEST:

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Renee Eckerly, City Administrator

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