

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

ORDINANCE NO. 8131

AN ORDINANCE REGULATING WIND GENERATORS.

The Lake Elmo City Council ordains that Sections 1105.01 through 1105.06 and their subdivisions are hereby added to the Lake Elmo Municipal Code to read as follows:

WIND GENERATORS

1105.01 Intent. Wind Generators offer an alternative method of providing electrical power. It is the intent of the City of Lake Elmo to regulate such facilities in order to protect the safety and welfare of residents of the City of Lake Elmo and in order to prevent Wind Generators from becoming a nuisance.

1105.02 Definition. A Wind Generator is a machine which generates power from the wind and is extended from a horizontal shaft.

1105.03 Location. Wind Generators are permitted in the RR (Rural Residential) and in the AG (Agricultural) Districts upon issuance of a Wind Generator Permit.

1105.04 Application. Applicants for a Wind Generator Permit shall complete application forms as provided by the City Administrator. The application shall include the following:

- A. A report from a professional engineer describing the proposed Wind Generator and certifying the safety of such device.
- B. A site plan of the applicant's property drawn to a scale of 1 inch equals 100 feet and illustrating the location of the Wind Generator and all other buildings or structures located within 300 feet of the base of the Wind Generator.
- C. A statement indicating that the proposed Wind Generator is in compliance with all applicable regulations of the Federal Aviation Agency where appropriate.

1105.05 Application Review: The completed application shall be forwarded to the Building Inspector for review and recommendation. Within thirty (30) days of the receipt of the completed application, the City Administrator shall schedule a public hearing before the City Council to review the application. The public hearing shall be preceded by ten (10) days mailed notice to all residents within 350 feet of the perimeter of the applicant's property. Wind Generator Permits shall be issued subject to the following conditions:

A. The minimum lot size requirement shall be 40 acres. The site must also be large enough to contain within its boundaries any debris resulting from tower failure and/or falling ice.

B. The Wind Generator structure shall not exceed 125 feet in height.

C. The Wind Generator and guy wires shall have a minimum setback of 150 feet from any property line.

D. Fencing may be required if the structure posed a safety hazard to residents.

E. Accessory buildings and guy wires must meet the setback requirements for the underlying zoning district.

F. No lighting is allowed on the Wind Generator.

G. Wind Generators are prohibited in the Lake Elmo Airport Safety Zones.

H. There shall be at least 1000 feet between Wind Generators.

I. If the applicant's property is subdivided into parcels of less than 40 acres, the Wind Generator shall be removed at the applicant's expense as a condition of the subdivision approval.

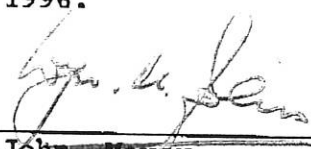
J. Wind Generator Permits are not transferable. Upon sale of the property, purchaser must apply for a new Wind Generator Permit or remove the Wind Generator from the property.

K. Inoperable Wind Generators shall be made operable within 30 days at the owner's expense.

1105.06 Duration and Review: Wind Generator Permits shall expire upon sale or subdivision of the property as provided above but shall be reviewed annually. Wind Generator Permits may be revoked by an affirmative vote of three Council Members for non compliance with the conditions of the Permit.

Effective Date. This ordinance shall be effective the day following its publication.

Adoption Date. Passed by the City Council of the City of Lake Elmo the 2nd day of April, 1996.



Wyn John, Mayor

ATTEST:

Mary Kueffner, City Administrator

Publication Date. This Ordinance or an approved Summary thereof was published on the 10th of June, 1996.

b/ord/LEORD.23

