

CHAPTER 25: ZONING

ARTICLE 24. ALTERNATIVE ENERGY SOURCES AND SYSTEMS

Sec. 25-253 Purpose and Intent

The purpose of this Section is to promote the safe, effective and efficient use of alternative energy sources and systems as the technology becomes available.

The purpose of this Section is also to establish predictable and balanced regulations for the establishment of commercial and noncommercial WECS in the locations and circumstances under which the use may be established without detriment to the public health, safety and welfare of the neighboring property owners and occupants.

Sec. 25-254 Definitions

- 1) **Wind Energy Conversion System:** Any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy.
- 2) **WESC Height:** The height of the tower/pole plus the rotor radius.
- 3) **External solid fuel-fired heating device:** External solid fuel-fired heating device also known as "outdoor furnaces" means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space. It is the intent of this section to regulate exterior freestanding solid fuel-fired devices that are contained within a structure primarily designed or used to house the solid fuel device.

Sec. 25-255 General Standards

- (1) No more than one Wind Energy Conversion System (WECS) shall be permitted per lot.
- (2) The setback shall be at least the following distances:
 - a. From the nearest dwelling, school, business or other habitable structure: 300 feet or 1.5 times the height of the WECS, whichever is greater.
 - b. From the nearest public right-of-way: 300 feet or 1.5 times the height of the WECS, whichever is greater.
 - c. From the nearest property line: 300 feet or 1.5 times the height of the WECS, whichever is greater. In no instance shall any portion of the WECS extend over any property line, including the full arc area created by any blades used in the system.
 - d. From recreational fields: 300 feet or 1.5 times the height of the WECS, whichever is greater. However, in no instance shall any portion of the WECS extend over any recreational field, including the full arc area created by any blades used in the system.

- e. No portion of the WECS, including the full arc area created by any blades used in the system, shall extend over any aboveground power line or drainage and utility easement.
- (3) Blade arcs created by the WECS shall have a minimum of 30 feet of clearance over any accessory structure or tree within the full arc area created by any blades used in the system.
 - (4) The WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds.
 - (5) The WECS, including the blades, shall be grounded and shielded to protect against natural lightning strikes in conformance with the National Electrical Code.
 - (6) The WECS shall not include tower-climbing apparatus within twelve (12) feet of the ground.
 - (7) The WECS shall display a sign posted at the base of the tower, not to exceed two (2) square feet in area. The sign shall contain the following information:
 - a. A warning of high voltage,
 - b. The manufacturer's name,
 - c. An emergency telephone number,
 - d. The emergency shutdown procedures

Additional signs may be required on the basis of individual applications as safety needs dictate.

- (8) No WECS shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by the Federal Aviation Administration.
- (9) The WECS shall be filtered, shielded or otherwise designed and constructed so as not to cause electrical, radio frequency, television, and other communication signal interference.
- (10) All obsolete and unused towers and equipment shall be removed within twelve (12) months of cessation of operation at the site, unless the Zoning Administrator grants an exemption.
- (11) Each WECS shall require a conditional use permit.
- (12) WECS may be an allowed conditional use subject to the regulations and requirements of this Section in areas zoned Community Commercial (C-2), General Industrial (G-I), or in conjunction with such special uses as listed in Article 5, Sec. 25-21.
- (13) WECS installed in accordance with the requirements of this Section shall not generate power as a commercial enterprise as defined by the Public Utilities Commission.
- (14) No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the City Clerk a policy of liability insurance indemnifying the applicant from liability for personal injury or property damage in the sum of at least \$500,000.00. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least thirty (30) days written notice to the City before cancellation thereof, the conditional use and building permits to be automatically revoked upon the lapse or termination of said policy.

- (15) Noise emitted from the WECS shall not exceed standards set forth in Chapter 19 of the Code of Ordinances.

Sec. 25-256 Purpose and Intent

The purpose of this section is to establish and impose restrictions upon the construction, installation, and operation of outdoor furnaces within the limits of the City of Oakdale for the purpose of securing and promoting the public health, safety, comfort, convenience, and welfare of the City and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other combustion that can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

Sec. 25-257 General Regulations:

- a) All external solid fuel-fired heating devices used, installed, or purchased within the city limits of Oakdale, Minnesota, are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing or equivalent accredited agency. No person shall use an external solid fuel-fired device in violation of this paragraph.
- b) All outdoor wood-burning units or external solid fuel-fired devices operated or installed within the city limits are subject to regulation as public nuisances as described in this ordinance.
- c) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, is declared a public nuisance.
- d) Every solid fuel-fired device shall have a minimum chimneystack height of twenty (20) feet from ground level and be a minimum of two (2) feet above the roofline of the highest structure within two hundred feet. A freestanding outdoor furnace must be setback a minimum of 75-feet from all property lines, be located on a lot of not less than one acre, and be a minimum of 10 feet from any principal or accessory structure. Construction of all stacks or chimneys must be of masonry or insulated metal with a minimum of six-inch (6") flue and be constructed to withstand wind and snow loads per the current Minnesota Building Code. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- e) Only wood or other fuels designed for burning in an external solid fuel-fired heating device may be burned. No garbage may be burned in an external solid fuel-fired device. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- f) An outdoor furnace shall not be used between April 15 and October 15 of each year.
- g) The City of Oakdale requires any person to obtain a building permit for any external solid fuel-fired heating device that is sold or purchased after the date this ordinance becomes effective.
- h) Any violation of this ordinance is a misdemeanor.

Sec. 25-258 to 276 Reserved.

