ORDINANCE NO. 16 – 1132

AN ORDINANCE ESTABLISHING CHAPTER 1187 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RUSSELLS POINT TO PROVIDE FOR THE ERECTION, CONSTRUCTION, OPERATION AND MAINTENANCE OF ALTERNATIVE ENERGY PROJECTS IN THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO

WHEREAS, this Council is committed to promoting safety within the Village and among its residents; and

WHEREAS, residents in the village may wish to erect windmills or solar energy systems in the Village; and

WHEREAS, the Village is compelled to enact regulations regarding the erection, construction, operation and maintenance of alternative energy systems; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Russells Point, Logan County, Ohio, that:

SECTION I: That Chapter 1187 of the Village of Russells Point Codified Ordinances shall be enacted as follows:

CHAPTER 1187
Alternative Energy

1187.01 PURPOSE.
To establish regulations for alternative energy in order to preserve and protect public health and safety and to permit residents and businesses of the Village of Russells Point to take advantage of alternative energy while maintaining the integrity of the Village of Russells Point Comprehensive Plan.

1187.02 DEFINITIONS
(a) "Anemometer" is an instrument that measures the force and direction of the wind.
(b) "Clear Fall Zone" means an area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine shall fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.
(c) "Code Enforcement Officer" means the Village of Russells Point Code Enforcement Officer.
(d) "Cowling" means a streamlined removable cover that encloses the turbine's nacelle.
(e) "Ground mounted" means an alternative energy project which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.
(f) "Megawatt" means a unit of power equal to one million watts.
(g) "Monopole tower" means a tower constructed of a single, self-supporting metal tube, anchored to a foundation.

(h) "Nacelle" sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.
(i) "Owner" means any of the following:
(1) "Equipment owner" means the person or entity that owns an alternative energy project.
(2) "Participating owner" means the owner of the property on which an alternative energy project is built.
(3) "Non-participating landowner" means an owner of property on which an alternative energy project is not being built.
(j) "Roof/building mounted" means an alternative energy project which is attached to a building or roof.
(k) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
(l) "Small wind energy project" means a wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. Small wind energy projects shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System (BTPSs).
(m) "Solar energy system" is a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.
(n) "Total height" means any of the following:
(1) Means for a horizontal and vertical axis turbine; the vertical distance from ground level to the tip of the wind generator blade when the tip is at its highest point.
(2) Means for a blade tip power system; the vertical distance from ground level to the highest point of the turbine structure.
(o) "Wind energy project" mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Ohio R. C. 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the project.
(p) "Wind generator" means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

1187.03 SMALL WIND ENERGY PROJECTS.
Wind Energy Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a small wind project less than 5MW shall be a permitted use if the regulations in Section 1187.04 to 1187.06 of the Ordinances of the Village are met.

1187.04 STANDARDS - SMALL WIND ENERGY PROJECT.
(a) Small Wind Energy Projects are permitted in all zoning districts.
(b) Setbacks:
(1) Ground mounted.
A. A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility.
B. A distance equal to 1.1 times its total height from all adjacent property lines.
C. A distance equal to 1.1 times its total height from all road right-of-way lines.
D. The owner shall provide for a "clear fall zone" that shall be maintained at all times the turbine or tower is standing. The "clear fall zone", along with the manufacturer's recommendations of such a zone must be attached to the engineering report submitted as part of the application.
E. May be placed in the side and rear yards, but shall not be placed closer to the street than the front of the principal structure.
(2) Roof or building mounted.

A. Shall be located on the rear half of the principal structure.

B. The rear half of the principal structure shall be determined by standards established in the Village of Russells Point Ordinances.

(c) Maximum Height:

(1) Ground mounted.

A. R-1, R-2, R-3, B-1, B-2, B-3: 50 feet

B. M-1: 150 feet

(2) Roof or building mounted.

A. Maximum permitted height of the principal building, plus 15 feet.

(d) Location. Small wind energy projects shall not be located or co-located on existing and/or future public and private utility structures including but not limited to cell towers, radio antennae, television antennae.

(e) Design. Small wind energy projects shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting safety requirements. Towers and poles shall be monopole in design. Turbines, towers and poles shall be black, white, off-white or unpainted metal, unless colors are required by federal regulations.

(f) Lighting. Small wind energy projects shall not be illuminated except if required by the Federal Aviation Administration, Ohio Department of Transportation or other applicable authorities. The Village Code Enforcement Officer may, however, approve lighting in other instances if it is determined that the proposed lighting will enhance the appearance of the small wind energy project and will not result in nuisances or hazards on nearby properties or streets. If lighting is required, a design that minimizes disturbances to nearby properties shall be utilized.

(g) Signs. No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a small wind energy project.

(h) Signal Interference. The owner of a small wind energy project must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwaves, radios, telephones, or television signals.

(i) Decibel Levels. Decibel levels shall not exceed those provided by the manufacturer.

(j) Wiring and Electrical Apparatuses. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground, within the monopole or within the principal building and meet all applicable local, state and federal codes including the Logan County Building Regulations and the Residential Building Code of Ohio.

(k) Utility Interconnection: A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

1187.05 PERMIT REQUIREMENTS - SMALL WIND ENERGY PROJECTS.

(a) A zoning permit shall be required before construction can commence on an individual small wind energy project. The application for zoning permit:

(1) Shall be filed with the Village on forms provided by the Village;

(2) Shall include all required supplemental information;

(3) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application;

(4) Shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within eighteen (18) months.

(b) As part of the permit process, the applicant shall inquire with the County and the Village as to whether or not additional height restrictions are applicable due to the unit's location in relationship to the Logan County Airport.

1187.06 MAINTENANCE - SMALL ENERGY PROJECTS.

(a) Wind energy projects shall be maintained in good working order. A complete inspection of the system shall occur every two years at the cost of the owner. Inspections shall occur no later than

September 30th of the required inspection calendar year and a copy of the inspection report shall be submitted to the Code Enforcement Officer no later than October 31st of said inspection calendar year.

(b) The owner shall within 30 days of permanently ceasing operation of a small wind energy project, provide written notice of abandonment to the Code Enforcement Officer.

(c) A small wind energy project that is unused or out-of-service for a continuous 6 month period shall be deemed to have been abandoned. The Code Enforcement Officer may issue a Notice of Abandonment to the owner of the wind project that the project has been deemed to have been abandoned. The equipment owner shall have the right to respond to the Code Enforcement Officer's Notice of Abandonment within 30 days from the Notice date. The Code Enforcement Officer shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the wind project has not been abandoned.

(d) If the small wind energy project is determined to be abandoned or the Code Enforcement Officer receives a Notice of Abandonment from the equipment owner, the small wind project shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade if ground mounted. If the owner fails to remove a small wind energy project, the Village may cause the removal of the structures at the expense of the permit holder or other responsible party. Any expenses incurred by the Village shall be charged to the Owner of the structure. The Fiscal Officer shall make a written return to the County Auditor for all expenses incurred in the removal of any projects identified in this Chapter. Such expenses, when allowed, shall be entered upon the tax duplicate, and shall be a lien upon the land from the date of entry and shall be collected as other taxes and returned to the Village.

1187.07 STANDARDS-SOLAR ENERGY SYSTEM.

(a) Permitted in all zoning districts.

(b) System shall be ground, roof or wall mounted. Only one type of mounting shall be permitted per parcel.

(c) It is encouraged that the energy generated by a solar energy system is supplemental to the primary source.

(d) Location and/or setbacks.

(1) Ground mounted.

A. Shall be located in the side or rear yard only and in accordance with the setbacks established for all accessory uses. In no instance shall the system be placed any closer to the street than the front of the main building on any lot.

B. Any portion of the structure shall not exceed a maximum of 6 feet in height.

(2) Roof mounted.

A. Shall be installed on the plane of the roof (flush mounted) or made part of the roof design and shall not extend above the ridgeline of the roof or extend beyond the existing roof width. In no instance shall the system extend greater than 18 inches from the roofs surface.

(3) Wall mounted.

A. Shall be installed on the plane of the wall (flush mounted) or made part of the wall design. In no instance shall the system extend greater than 18 inches from the walls surface.

(e) Design.

(1) Ground mounted.

A. All conduits, plumbing lines and related appurtenances shall be located underground.

(2) Roof mounted.

A. All exposed conduits, plumbing lines and related appurtenances shall be painted a color that closely matches the roof materials.

B. May be placed on the main building and/or accessory building.

(3) Wall mounted.

A. All exposed conduits, plumbing lines and related appurtenances shall be painted a color that closely matches the walls material.

B. May be placed on the main building and/or accessory building.

C. Shall not be visible from any street right-of-way.

(f) System shall comply with all applicable building, plumbing and electrical codes.

(g) System shall be placed so that the concentrated solar radiation or glare shall not be directed onto other properties, roadways or airstrips in the vicinity.

(h) No signs, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a solar energy system. Maximum allowable signage to be determined by the Code Enforcement Officer.

(i) Systems shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting all safety requirements.

1187.08 PERMIT REQUIREMENTS - SOLAR ENERGY SYSTEM.

A zoning permit shall be required before the installation of solar energy system. The application for zoning permit:

(a) Shall be filed with the Village on forms provided by the Village;

(b) Shall include all required supplemental information;

(c) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application;

(d) Shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within eighteen (18) months.

1187.09 MAINTENANCE - SOLAR ENERGY SYSTEM.

(a) A solar energy system that is unused or out-of-service for a contiguous 6 month period shall be deemed to have been abandoned. The Code Enforcement Officer may issue a Notice of Abandonment to the owner of the system that the system has been deemed to have been abandoned. The system owner shall have the right to respond to the Code Enforcement Officer's Notice of Abandonment within 30 days from the Notice date. The Code Enforcement Officer shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates the system has not been abandoned.

(b) If the solar energy system is determined to have been abandoned or the Code Enforcement Officer receives a Notice of Abandonment from the system owner, the system shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" induces the removal of all equipment and apparatuses, supports and/or other hardware associated with the existing system, including removal of the above mentioned items to a depth of three (3) feet below grade if ground mounted. If the owner fails to remove a system, the Village may cause the removal of the structures at the expense of the permit holder or other responsible party. Any expenses incurred by the Village shall be charged to the owner of the structure that has a solar energy system attached to said structure. The Fiscal Officer shall make a written return to the County Auditor for all expenses incurred in the removal of any projects or systems identified in this Chapter. Such expenses, when allowed, shall be entered upon the tax duplicate, and shall be a lien upon the land from the date of entry and shall be collected as other taxes and returned to the Village.

1187.10 EXEMPTIONS.

Systems used exclusively for traffic control signals or devices are exempt from Sections 1187.07 to 1187.09.

SECTION II: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

SECTION III: That this ordinance shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

_____ _____

John Huffman, President Pro Tem Robin Reames, Mayor

Attested: _____ Approved as to From:

Jeff Weidner, Fiscal Officer Rob Eshenbaugh, Village Solicitor