

TITLE 10: ENERGY AGGREGATION

CHAPTER 1 ENERGY AGGREGATION FOR SMALL BUSINESSES AND ALL RESIDENTS..... 1
CHAPTER 2 SOLAR ENERGY SYSTEMS 3
CHAPTER 3 WIND ENERGY CONVERSION SYSTEM (WECS) 9

TITLE 10 ENERGY AGGREGATION

CHAPTER 1 ENERGY AGGREGATION FOR SMALL BUSINESSES AND ALL RESIDENTS

10-1-1 Definitions

10-1-2 Aggregation of Electrical Load

10-1-3 Opt-Out Program

10-1-4 Adoption of Plan of Operation and Governance for the Electricity Aggregation Program

10-1-5 Solicitation of Bids

SECTION 10-1-1 DEFINITIONS

For the purpose of this Chapter 1, the following terms shall have the following definitions:

Act: shall mean the Illinois Power Agency Act, 20 ILCS 3855/1-92, as may be amended from time to time.

Customer: shall mean recipients of residential and small commercial retail electric loads as provided in the Act.

Electricity Aggregation Program: shall mean a program pursuant to the Act for the aggregation of residential and small commercial retail electric loads located within the corporate limits of the City that provides customers with the opportunity to opt out of participating in that program as provided in the Act.

SECTION 10-1-2 AGGREGATION OF ELECTRICAL LOAD

- A. The Corporate Authorities of the City are authorized to operate an Electricity Aggregation Program pursuant to the Act and for that purpose may solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and related services and equipment for those loads aggregated pursuant to the Electricity Aggregation Program as provided in the Act.
- B. The Corporate Authorities of the City may exercise the authority to operate the Electricity Aggregation Program jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process to jointly authorize the Electricity Aggregation Program by a majority vote of each particular municipality or county as required by the Act.

SECTION 10-1-3 OPT-OUT PROGRAM

- A. The Electricity Aggregation Program shall operate as an opt-out program whereby customers who do not wish to participate in the Electricity Aggregation Program may opt out pursuant to the Act.
- B. The City Administrator or his designee, on behalf of the City, shall fully inform customers in advance, as provided in the Act, that customers have the right to opt out of the Electricity Aggregation Program. The disclosure provided to the customers shall comply with the requirements of the Act and shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 16-603 of the Act, how to access service, and the fact that service under Section 16-603 of the Act is available to customers without penalty if they are currently receiving service under Section 16-603 of the Act.
- C. Upon notification from any customer that the customer wishes to opt out of the Electricity Aggregation Program, that customer shall be excluded from the Electricity Aggregation Program.
- D. Except for those customers who opt out of the Electricity Aggregation Program pursuant to this Section 10-1-3 and the Act, the Electricity Aggregation Program shall automatically apply for each

person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the City.

SECTION 10-1-4 ADOPTION OF PLAN OF OPERATION AND GOVERNANCE FOR THE ELECTRICITY AGGREGATION PROGRAM

- A. The Corporate Authorities of the City, with the assistance from the Illinois Power Agency as required pursuant to the Act, shall develop and approve a plan of operation and governance for the Electricity Aggregation Program.
- B. Before adopting the plan of operation required under Section 10-1-4A and the Act, the Corporate Authorities shall hold at least two (2) public hearings on the proposed plan. Before the first public hearing, the Corporate Authorities shall publish notice of the hearings once a week for two (2) consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan of operation and state the date, time, and location of each hearing.
- C. The plan of operation and governance for the Electricity Aggregation Program shall:
 - 1. Provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers.
 - 2. Describe demand management and energy efficiency services to be provided to each class of customers.
 - 3. Meet any requirements established by law concerning aggregated service offered pursuant to the Act.

SECTION 10-1-5 SOLICITATION OF BIDS

The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services for the electricity aggregation program shall be conducted pursuant to the Act.

TITLE 10 ENERGY AGGREGATION

CHAPTER 2 SOLAR ENERGY SYSTEMS

- 10-2-1 Purpose
- 10-2-2 Definitions
- 10-2-3 Permitted Ground Mount and Roof Mount SES
- 10-2-4 Building Integrated Systems
- 10-2-5 Community Solar Garden (SES)
- 10-2-6 Commercial/Large Scale Solar Farms (SES)
- 10-2-7 Compliance with Building Code
- 10-2-8 Liability Insurance
- 10-2-9 Administration and Enforcement

SECTION 10-2-1 PURPOSE

The purpose of this section is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the City of West Peoria in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this section to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources and bolster local economic development and job creation. This section is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this section shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 10-2-2 DEFINITIONS

For the purpose of this Chapter 1, the following terms shall have the following definitions:

Building Integrated Photovoltaic Systems: A solar energy system that consists of integrating photovoltaics modules into the building structure as the roof or façade and which does not alter the relief of the roof.

Collective Solar: Solar installations are owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

Commercial/Large Scale Solar Farm: A utility-scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

Community Solar Garden: A community solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.

Ground Mount Solar Energy System: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

Net Metering: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Photovoltaic System: A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

Qualified Solar Installer: A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. All installers must be Distributed Generation (DG) certified.

Roof Mount: A solar energy system in which solar panels are mounted on top of a building roof as either a flush-mounted system or as modules fixed to frames that can be tilted toward the south at an optimal angle.

Solar Access: Unobstructed access to direct sunlight on a lot or building throughout the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems.

Solar Farm: Ground-mount solar developments covering more than five (5) acres.

Solar Garden: must be less than five (5) acres in total size and require a Special Use in all districts.

Solar Storage Battery/Unit: A component of a solar energy device that is used to store solar-generated electricity or heat for later use.

Solar Thermal Systems: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

SECTION 10-2-3 PERMITTED GROUND MOUNT AND ROOF MOUNT SES

Ground Mount SES shall be permitted as an accessory use in all zoning districts where there is a principal structure. Roof Mount SES shall be permitted in all zoning districts and shall only be located on a principal structure. A permit shall be required to construct and modify/replace a ground mount or roof mount SES per building. The following additional information shall be provided with the building permit application to demonstrate compliance with the following restrictions:

A. Height:

1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed
2. height for principal structures in any zoning district or the current principal structure height whichever is less.
3. Ground or pole-mounted solar energy systems shall not exceed ten-foot (10') when oriented at maximum tilt.
4. Ground-mounted solar energy systems may not be placed in the front yard or in the front side yard of the corner lot.

B. Setbacks:

1. Ground-mounted solar energy systems shall meet the applicable setbacks for the zoning district in which the unit is located or a minimum of three-foot (3') setback if no setback is required by the zoning district.
2. Ground-mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.

3. In addition to building setbacks, the collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the systems are mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar thermal systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 4. Roof mount SES shall have a three-foot (3') setback requirement from the edge of the roof line for easy access in case of maintenance or fire.
- C. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- D. Visibility: Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while providing adequate solar access for collectors.
- E. Safety:
1. Roof or building-mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted.
 2. Plans bearing the seal of a state-licensed structural engineer shall be required for all roof-mounted solar energy systems.
 3. Any connection to the public utility grid shall be inspected by the appropriate public utility.
 4. All solar energy systems shall be maintained and kept in good working order. If it is determined that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended use for three (3) consecutive months, the property owner shall be given a thirty (30)day notice for removal or repair of the unit and all equipment. It shall be a violation of this section if the solar energy system is not removed or repaired within thirty (30) days.
 5. The West Peoria Fire Department must sign off on all ground and roof mount permits to ensure fire safety.
- F. Approved Solar Components: Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
- G. Restrictions on Solar Energy Systems Limited: Consistent with 765 ILCS 165/1 et seq. no homeowner's agreement, covenant, common interest community, or other contracts between multiple property owners within a subdivision of the incorporated City of West Peoria shall prohibit or restrict homeowners from installing solar energy systems.
- H. The owner of the property must be in good standing with the City and cannot have any outstanding building permits and/or code violations at the time of application.

SECTION 10-2-4 BUILDING INTEGRATED SYSTEMS

Building-integrated Photovoltaic Systems shall be permitted in all zoning districts.

SECTION 10-2-5 COMMUNITY SOLAR GARDENS (SES)

Development of Community Solar Gardens is permitted by special use as a principal use in all zoning districts subject to the following requirements:

- A. Rooftop Gardens Permitted: as a Special Use in all zoning districts where buildings are permitted.
- B. Ground Mount Gardens: Ground mount community solar energy systems must be less than five (5) acres in total size and require a Special Use in all districts. Ground-mount solar developments covering more than five (5) acres shall be considered solar farms.

- C. Interconnection: An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- D. Dimensional Standards: All solar garden-related structures in newly platted and existing platted subdivisions shall comply with the applicable setback, height, and coverage limitations for the district in which the system is located.
- E. Other Standards:
 - 1. Ground Mount Systems shall comply with all required standards for structures in the district in which the system is located.
 - 2. All solar gardens shall comply with procedures regarding special use permits.
 - 3. All solar gardens shall also comply with all other state and local requirements.

SECTION 10-2-6 COMMERCIAL/LARGE-SCALE SOLAR FARM (SES)

Ground Mount solar energy systems that are the primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require a Special Use and shall be permitted with such special use only in the I-2 Districts. The following information shall also be submitted as part of the application and/or the following restrictions shall apply:

- A. A site plan with existing conditions showing the following:
 - 1. Existing property lines and property lines extending one hundred feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
 - 2. Existing public and private roads, showing widths of the road and any associated easements.
 - 3. Location and size of any abandoned wells or sewage treatment systems.
 - 4. Existing buildings and impervious surfaces.
 - 5. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - 6. Existing vegetation list type and percent of coverage (i.e., cropland/plowed fields, grassland, wooded areas, etc.).
 - 7. Any delineated wetland boundaries.
 - 8. A copy of the current FEMA FIRM maps that shows the subject property including the one-hundred-year flood elevation and any regulated flood protection elevation, if available.
 - 9. Surface water drainage patterns.
 - 10. The location of any subsurface drainage tiles.
- B. A Site Plan of proposed conditions showing the following:
 - 1. Location and spacing of the solar panels.
 - 2. Location of access roads.
 - 3. Location of underground or overhead electric lines connecting the solar farm to a building, substation, or other electric loads.
 - 4. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
- C. Fencing and Weed/Grass Control:
 - 1. The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The Operating Company or Successor during the operation of the Solar Farm shall adhere to the weed/grass control plan.
 - 2. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.
 - 3. The applicant shall maintain the fence and adhere to the weed/grass control plan. If the Operating Company does not adhere to the proposed plan, a fine of \$500 per week will be

assessed until the Operating Company or Successor complies with the weed/grass control and fencing requirements.

4. Property owners shall obtain a Knox box, or other similar secured key box, from the Fire Department at the owner's expense. A key giving access to the fence or other enclosure in which the solar energy system is located shall be kept in such Knox box or other similar secured key box at all times to allow the Fire Department to access the premises in the event of an emergency. The Knox box or other similar secured key box shall be installed at the direction of the Fire Department.
- D. Manufactures Specifications: The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles and racks.
- E. Connection and Interconnection:
1. A description of the method of connecting the SOLAR array to a building or substation.
 2. Utility interconnection details and a copy of the written notification to the utility company requesting the proposed interconnection.
- F. Setbacks: A minimum of fifty (50) feet must be maintained on all property lines. Solar panels shall be kept at least two hundred fifty (250) feet from a residence that is not part of the Special Use Permit.
- G. Fire Protection: A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- H. Endangered Species and Wetlands: Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
- I. Road Use Agreements: All routes on City Roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the City. The Solar Farm Developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development-related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation, or replacement of roads that might be required by the City or the Developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by City officials when warranted.
- J. Decommissioning of the Solar Farm: The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of twelve (12) months, it will be deemed nonoperational, and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out-of-service solar farm. The decommissioning cost shall be made by cash, surety bond, or irrevocable letter of credit before construction commences. Further, a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:
1. Removal of the following within six (6) months:
 - a) All solar collectors and components, aboveground improvements, and outside storage.
 - b) Foundations, pads, and underground electrical wires and reclaim the site to a depth of four (4') feet below the surface of the ground.

- c) Hazardous material from the property and dispose of in accordance with federal and state law.
2. The decommissioning plan shall also recite an agreement between the applicant and the City that:
- a) The financial resources for decommissioning shall be in the form of a Surety Bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer.
 - b) A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
 - c) The City shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
 - d) The City is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - e) The City is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the City's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or the applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the said lien.

SECTION 10-2-7 COMPLIANCE WITH BUILDING CODE

All solar energy systems shall comply with the ordinances of the City of West Peoria as well as all Federal and State requirements.

SECTION 10-2-8 LIABILITY INSURANCE

The owner-operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name the City of West Peoria as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

SECTION 10-2-9 ADMINISTRATION AND ENFORCEMENT

The Zoning Officer shall enforce the provisions of this section through an inspection of the solar farm every year. The Zoning Officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm, or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this Chapter may face fines of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.

(Ord. 2022-16)

TITLE 10 ENERGY AGGREGATION

CHAPTER 3 WIND ENERGY CONVERSION SYSTEM (WECS)

[10-3-1 Special Use](#)

[10-3-2 Application](#)

[10-3-3 Standards](#)

SECTION 10-3-1 SPECIAL USE

All WECS that receive a special use shall be subject to all of the provisions of this Section.

SECTION 10-3-2 APPLICATION

In addition to the information required for any special use permit, the application shall include the following:

- A. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- B. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code, including the location of the power supply and emergency shut-off switches, and submit the same to the Fire Department.
- C. Sufficient information demonstrating the system will be used primarily to reduce on-site consumption of electricity.
- D. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.
- E. A visual analysis of the WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project intended to lessen the system's visual prominence.

SECTION 10-3-3 STANDARDS

All WECS shall adhere to the following standards:

- A. No habitable structure shall be within 1.1 times the height of any tower used in the WECS from the property line where the WECS is located.
- B. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruption.
- C. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (i.e., public parks, roads, trails).
- D. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- E. All on-site electrical wires associated with the system shall be installed underground except for connections to a public utility company and public utility company transmission poles, towers, and lines. This standard may be modified by the City Council if the project terrain is determined to be unsuitable due to reasons of excessive grading, ecological impacts, or similar factors.

- F. The system shall be operated such that no disruptive electromagnetic interference is caused, nor can there be any interference to radio reception or television reception on any property. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease the operation of the system.
- G. At least one (1) sign shall be posted on the tower at a height of five feet (5') warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo, or advertising shall be placed or painted on the tower, rotor, generator, or tail vane where it would be visible from the ground, except the system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- H. Towers shall be constructed to provide two of the following means of access control or other appropriate methods of access:
 - 1. Tower-climbing apparatus located no closer than twelve feet (12') from the ground.
 - 2. A locked anti-climb device installed on the tower.
 - 3. A locked, protective fence at least six feet (6') in height enclosing the tower.
- I. Anchor points for any guy wires for a system tower shall be located within the property the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet (6') high or sheathed in bright orange or yellow covering from three to eight feet (3 to 8') above the ground.
- J. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and re-vegetated to the pre-existing natural condition upon completion of installation, and before the WECS is put into operation.
- K. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least thirty feet (30') above the highest structure or tree within a two hundred fifty foot (250') radius. Modification of this standard may be made when the applicant demonstrates a lower height will not jeopardize the safety of the wind turbine structure.
- L. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code, National Fire Protection Association (NFPA), and National Electric Code.
- M. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of the rotor and over-speed control design and fabrication shall meet good engineering practices and be certified by the manufacturer.
- N. Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations, and the applicant shall certify that applicant's facility is in compliance with the same.
- O. The general height limitations for a zoning district shall not apply to any WECS.
- P. When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within one hundred twenty (120) days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. The owner shall mean the owner of the property upon which the WECS is located.
- Q. All WECS shall be maintained in good and operable condition. A WECS that is not functional shall be repaired by the owner or removed. In the event the City becomes aware of any system that is not operated for a continuous period of three (3) months, the City will notify the landowner by registered mail and provide forty-five (45) days for a written response. The written response shall include reasons for the operational difficulty, the corrective actions to be performed, and a reasonable timetable for completing the corrective actions. If the City deems the corrective actions and/or the timetable for completing the corrective actions as unfeasible and/or unreasonable, the

City shall notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receiving said notice.

- R. All WECS shall meet all applicable state and federal safety standards and, where applicable, all federal aviation requirements.
- S. The City shall require a certification every five (5) years at the owner's expense, by a professional engineer qualified to give such certification, stating the WECS complies with all provisions of this ordinance and all applicable state and federal laws. The owner of the property upon which the WECS is located shall pay an annual fee of fifty dollars (\$50.00).
- T. In addition to general conditions that apply to any special use request, the following shall also be applied and considered:
 - 1. The height of the system relative to the size of the parcel on which the system is proposed to be located.
 - 2. The need for the proposed height of the system in order to allow the system to operate effectively.
 - 3. The visual impact of the system on adjacent properties and the general area in which the system is proposed to be located.
 - 4. The building density of the general area in which the system is proposed to be located.
 - 5. Whether a substantial adverse effect on public safety will result from the height of the system or some other aspect of the system's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.
 - 6. The existing uses on adjacent and nearby properties.

(Ord. 2022-16)