

**ORDINANCE NO. 2152**

**AN ORDINANCE ADOPTING ELECTRICAL INTERCONNECTION STANDARDS, PROCEDURES, AGREEMENTS, CHARGES AND FEES FOR CUSTOMER OWNED GENERATION, AND ZONING REQUIREMENTS FOR WIND ENERGY CONVERSION SYSTEMS, FOR THE CITY OF BURLINGAME, KANSAS.**

BE IT ORDAINED by the governing body of the City of Burlingame, Kansas:

SECTION 1. Article 15-309 through Article 15-315 are hereby added to Chapter XV of the Horton Municipal Code as follows:

**15-309. ADOPTION OF STANDARDS.** There is hereby adopted and incorporated by reference by the City of Burlingame, Kansas the “Interconnection Standards for Parallel Installation and Operation of Customer-owned Electric Generating Facilities.” No fewer than three copies of the publication shall be marked or stamped “official copy as adopted by Ordinance 2152 of the City of Burlingame, Kansas,” and shall be filed with the City Clerk and open for inspection and available to the public for review at all reasonable hours.

**15-310. APPLICATION AND FEES.** Any person, business, or other entity other than the City of Burlingame, must submit an application along with a base fee of \$\_\_\_\_\_. This fee may be set higher by a majority vote of the Burlingame City Commission, dependent upon the size of the proposed generating capacity. The application can be obtained from the City Clerk.

**15-311. APPLICATION REVIEW.** All applications will be reviewed by the City Mayor or his/her assigns and a decision rendered within fifteen (15) working days. If the application is approved a permit for construction will be issued to the applicant. Under certain conditions related to the basis upon which a denial is issued by the City Mayor, the applicant may elect to appeal for a variance through the Zoning Appeals Board.

**15-312. LOCATION, HEIGHT AND CONSTRUCTION.** Any wind energy conversion system (WECS) shall be located a minimum of fifty (50) feet from any property line, and a minimum of one hundred (100) percent of the tower height plus one hundred percent (100) percent of the rotor diameter from any overhead power lines. Any city owned generation may be exempt from the limit from overhead power lines.

Additionally, the WECS is subject to the following requirements:

- a) The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) DBA in a residential zone.
- b) To limit climbing access to WECS tower, or other support structure, a six (6) foot fence with locking portal shall be placed around the WECS support or, if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground. The WECS support may be mounted on a rooftop.
- c) All blades of the WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five percent (25) percent will be acceptable.
- d) The WECS shall be located in compliance with the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.
- e) Height of the WECS shall not exceed, beyond those restrictions already set out above with regard to overhead power lines, the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter. Notwithstanding any other provision of this ordinance, the maximum height of the WECS shall not, under any circumstance, exceed 60 feet.
- f) Data pertaining to the WECS' safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adaptor shall meet the restrictions specified by the City's building code.
- g) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.

- h) A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior of lot lines.
- i) The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
- j) The owner/operator shall certify that the WECS does not violate any covenants of record.
- k) The applicant shall provide a certificate of liability insurance. Annually, the owner/operator shall present evidence to the Code Enforcement Officer that the liability insurance is still in effect.

**15-313. ANNUAL INSPECTION FEES.** An annual inspection and permit may be issued by the City of Burlingame. Any fees associated with the inspection and/or permit will be set by a majority vote of the City Council by Resolution.

**15-314. DAMAGES TO CITY'S DISTRIBUTION SYSTEM.** All cost for enhancements due to any system degradation caused by private electrical generation shall be paid by the owner of the private generation facility.

**15-315. TRANSFERABILITY OF PERMITS.** All permits shall be issued to the proposed owner of the facility and are non-transferable. A new application must be submitted prior to the transfer of ownership. Any facility that transfers ownership without a new permit may be disconnected by the City for non-compliance.

SECTION 2. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED by the governing body of the City of Burlingame, Kansas this 7th day of December, 2009.

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Mayor

ATTEST:

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City Clerk