

2013 -- H 5579

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES -- SMALL WIND ENERGY SYSTEMS

Introduced By: Representatives Carnevale, Cimini, Valencia, Walsh, and O'Brien

Date Introduced: February 14, 2013

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 45 of the General Laws entitled "TOWNS AND CITIES" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 24.6

4 SMALL WIND ENERGY SYSTEMS

5 **45-24.6-1. Definitions.** – The following terms, as used in this chapter, shall have the  
6 following meanings:

7 (1) "Small wind energy system" means a wind energy conversion system consisting of a  
8 wind turbine, pole/tower and/or roof mounting bracket, and associated control or conversion  
9 electronics which has a rated capacity of not more than ten kilowatts (10 kwh) and which is  
10 intended to reduce on-site consumption of utility power.

11 (2) "Pole/tower height" means the height of the pole/tower measured from the natural  
12 grade of the land to the top of the pole/tower excluding the wind turbine.

13 (3) "Blade ground clearance" means the distance measured at the lowest point of any arc  
14 of a blade tip to the natural grade of the land.

15 (4) "Roof mounted system" means a system mounted to a roof with a tripod bracket  
16 system that has a rated capacity between one-half kilowatts (1/2 kwh) and two kilowatts (2 kwh).

17 **45-24.6-2. Small wind energy systems permitted.** – The installation of small wind  
18 energy systems in this state shall be permitted subject to the zoning regulations set forth in section  
19 45-24.6-3.

1           **45-24.6-3. Contents of zoning ordinances.** – All municipal zoning ordinances shall  
2 include, at a minimum, the following provisions regulating the installation of small wind energy  
3 systems.

4           (1) Minimum ground clearance for pole/tower systems shall be no less than twenty feet  
5 (20');

6           (2) The allowable pole/tower height shall be determined by the lot size as follows:

7           (i) On any lot that is less than ten thousand square feet (10,000 sq ft), the height shall be  
8 subject to the approval of the local zoning board following hearing;

9           (ii) On any lot that is between ten thousand square feet (10,000 sq ft) and forty thousand  
10 square feet (40,000 sq ft) the height shall be a maximum of eighty feet (80');

11           (iii) On any lot that is greater than forty thousand square feet (40,000 sq ft) the height  
12 may exceed eighty feet (80'), subject to any applicable federal air space regulations.

13           (3) Set backs shall be as follows:

14           (i) For pole/tower systems the minimum set backs shall be no less than one and one-half  
15 (1.5) times the diameter of the turbine blades and the guy wires set back a minimum of ten feet  
16 (10') from the property lines.

17           (4) Design standards shall require that the pole/tower to be a neutral, non-reflective color  
18 so as to blend into the surrounding environment. Visible flags, reflectors or reflective tape shall  
19 be placed on the anchor points of guy wires and along the guy wire up to a height of ten feet (10').

20           (5) Signage shall be limited to that which is necessary to identify the manufacturer,  
21 owner, twenty-four (24) hour contact phone number and any necessary safety warnings.

22           (6) Safety standards that require all wind turbines to be equipped with an automatic  
23 braking, governing or feathering system to prevent uncontrolled rotation, over speeding and  
24 excessive pressure on the pole/tower.

25           **45-24.6-4. Permits and fees.** – Prior to the installation of any small wind energy system  
26 a permit shall be obtained from the local governing body. The following fees may be imposed:

27           (1) Roof mounted systems: fifty dollars (\$50.00);

28           (2) Pole/tower systems:

29           (i) Up to forty feet (40') in height: one hundred dollars (\$100).

30           (ii) Above forty feet (40') in height: one hundred fifty dollars (\$150).

31           **45-24.6-5. Inspection required.** – A structural and electrical inspection shall be  
32 conducted by the local governing official following the installation of any small wind energy  
33 system.

34           **45-24.6-6. Utility notification.** – No small wind energy system shall be installed until

1 [evidence has been provided that the utility company has been informed of the customers intent to](#)  
2 [install an interconnected customer owned generator. Off grid energy systems shall be exempt](#)  
3 [from the provisions of this section.](#)

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO TOWNS AND CITIES -- SMALL WIND ENERGY SYSTEMS

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- 1           This act would allow the installation of small wind energy systems subject to regulations
- 2           and standards relating to local zoning, permits, fees, inspections and notifications.
- 3           This act would take effect upon passage.

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