

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES CHAPTER 42,
ARTICLE 6- RENEWABLE ENERGY**

TO THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 18-18 on April 17, 2018, entitled as Polk County Small Wind Energy System Ordinance, to regulate small wind energy systems in the unincorporated areas of Polk County; and

WHEREAS, on January 19, 2023, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e), a petition to amend the Polk County Code of Ordinances, Chapter 42, Article 6, through the enactment of the proposed amendments in Appendix A attached; and

WHEREAS, this amendment is adopted pursuant to authority granted by Wis. Stats. §§ 59.69, 59.692, 66.0401, 66.0403, and Wis. Admin. Code PSC 128, as applicable, for the purpose of overseeing the permitting of wind and solar energy systems and preserving and protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a renewable energy system per Wis. Stats. § 66.0401 and 66.0403; and

WHEREAS, the proposed amendments include criteria that would apply to large wind, small wind, and solar renewable energy systems in the unincorporated areas of Polk County; and

WHEREAS, these amendments include restrictions on noise, setbacks, shadow flicker, signal interference, stray voltage, and decommissioning; and

WHEREAS, the proposed amendments differentiate between private and commercial use which changes the applicable provisions and permitting requirements; and

WHEREAS, the proposed amendments intend to repeal the current Chapter 42, Article 6 in its entirety, and make the new proposed amendments Polk County's new Renewable Energy Ordinance under Chapter 42, Article 6; and

WHEREAS, a public hearing was held on Wednesday, February 15, 2023, at the Polk County Government Center by the Environmental Services Committee of the Polk County Board of Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said proposed amendments; and

WHEREAS, at said public hearing comments were received about the proposed amendments; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Environmental Services Committee recommends the Polk County Board of Supervisors enact said amendments as Chapter 42, Article 6 of the Polk County Code of Ordinances; and

NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The amended Polk County Code of Ordinances, Chapter 42, Article 6, attached hereto and incorporated herein, is enacted.
2. Pursuant to Wisconsin Statute, the provisions of the amended Code of Ordinances shall supersede any prior ordinance versions.

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES CHAPTER 42,
ARTICLE 6- RENEWABLE ENERGY**

3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the amendment enacted herein.
4. The amended provisions shall be effective upon passage and publication.

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES CHAPTER 42,
ARTICLE 6- RENEWABLE ENERGY**

59

RESOLUTION SPONSOR(S):

X _____ Brad Olson	X <u><i>L.A. O'Connell</i></u> Kim O'Connell
X _____ Doug Route	X _____ Amy Middleton
X _____ Steve Warndahl	X _____ Jay Luke
X _____ Ryan Wood	X _____ Denise L'Allier-Pray
X _____ Tracy LaBlanc	X _____ Russ Arcand
X _____ Dan Ruck	X _____ CJ Simones
X _____ Barbara McAfee	X _____ John Bonneprise
X _____ Sharon Kelly	X _____ Vince Netherland, Administrator

COMMITTEE(S) REVIEW & RECOMMENDATION**Committee 1:** Environmental Services

- ☒ Recommended
☐ Not Recommended
☐ Neutral

Committee 2: Select a Committee.

- ☐ Recommended
☐ Not Recommended
☐ Neutral

Certification:

I, Shabana Lundeen, Clerk of Polk County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 16th day of May, 2023 by the Polk County Board of Supervisors.

Shabana Lundeen

Shabana Lundeen, Polk County Clerk

VOTE BY ROLL CALL

Board Members	Aye	Nay	Excu.
Olson	X		
Route		X	
Warndahl	X		
Wood	X		
LaBlanc	X		
Ruck	X		
McAfee	X		
Kelly	X		
O'Connell	X		
Middleton	X		
Luke (Chairperson)			
L'Allier-Pray	X		
Arcand (2 nd Vice Chair)	X		
Simones	X		
Bonneprise (Vice Chair)	X		

BOARD ACTIONVote Required: Simple Majority**Motion to Approve**Adopted ☒Defeated ☐1st Bonneprise2nd MiddletonYes: 13 No: 1 Excu: _____

- ☐ Approved by unanimous voice vote
☐ Approved by majority voice vote
☐ Defeated by lack of majority voice vote

RESOLUTION REVIEW COMPLETED BY:

X *Malia T. Malone*
Malia Malone, Corporation Counsel

X *Vince Netherland*
Vince Netherland, Administrator

X *Don Wortham*
Don Wortham, Finance Director

Fiscal & Legal Impact(s):

ARTICLE VI. *RENEWABLE* ENERGY SYSTEMS

Sec. 42-790. Authority and purpose; exceptions.

- (a) This article is adopted pursuant to authority granted by Wis. Stats. §§ 59.69, 59.692, 66.0401, *66.0403, and Wis. Admin. Code PSC 128*, as applicable, for the purpose of overseeing the permitting of *wind and solar* energy systems and preserving and protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a *renewable* energy system per Wis. Stats. § 66.0401 *and 66.0403*.
- (b) This article does not apply to roof-mounted *renewable energy* systems *as long as they comply with the required height limitations and are strictly for private use*.
- (c) *Nothing in this Article shall be construed in a way that would give a private party a cause of action against the County for failure to comply with the terms or for perceived negligence in the exercise of its obligations, express or implied.*
- (d) *Nothing in this section shall be construed in a way to obligate the County to act as an agent for a private party in a private cause of action that may arise by the terms in this Article.*

(Ord. No. 18-18, §§ 2, 3, 5-15-2018)

Sec. 42-7XX Applicability.

This ordinance applies to all lands within the boundaries of the county lying outside the limits of incorporated cities and villages.

Sec. 42-791. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the county zoning administrator.

Applicant means the owner or owner's agent who applies for a wind or solar energy system.

Application means an application for a permit under this section.

Battery Storage System means a device that reserves energy for later consumption that is generated by a solar collector wind turbine in a renewable energy system. The stored electricity is consumed during energy demand peaks or during a power outage and is often installed to maximize the power output of the system.

Collector surface means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware.

Collector use period means 9 a.m. to 3 p.m. standard time daily.

Commercial communications include communications used by government and military entities for emergency purposes, licensed amateur radio service, non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

Commercial use means a wind or solar energy system that is not an accessory use to existing parcels, structures, or uses and is designed for providing energy to off-site uses and structures or to export to the wholesale market.

Commission means the Wisconsin Public Service Commission. (PSC)

Committee means the Polk County Environmental Services Committee.

County means Polk County, Wisconsin.

Decommissioning means removal of all the following:

- (1) The above ground portion of a wind or solar energy system and related facilities, except for access roads if removal has been waived by the property owner.
- (2) All below ground facilities, except the following:
 - i. Underground collector circuit facilities.
 - ii. Those portions of concrete structures 4 feet or more below grade.

DNR means the Wisconsin Department of Natural Resources.

Department means the Polk County Land Information Department.

Emergency means an urgent, sudden, and/or serious event or unforeseen change in circumstances that necessitates immediate action to remedy harm or avert imminent danger to life, health, or property.

Energy system facility means any component of a wind or solar energy system, such as a wind turbine, solar collector, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

Impermissible interference means the blockage of wind from a wind energy system or solar energy from a collector surface or proposed collector surface for which a permit has been granted under this section during a collector use period if such blockage is by any structure or vegetation on property, an owner of which was notified at the time of an application under this section. "Impermissible interference" does not include:

-
- (1) Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector or does not substantially block wind from a wind energy system.
 - (2) Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered.
 - (3) Blockage by any vegetation planted before the date the last notice is mailed or delivered.

Large scale energy system means a renewable energy system producing 100 megawatts or more of electricity.

Maximum blade tip height means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the actual hub height plus the blade length.

Wind tower means and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices.

Mid-scale energy system means a renewable energy system producing 30-100 megawatts of electricity.

Nameplate capacity means the nominal generating capacity of an energy system, as listed in the specifications provided by the manufacturer.

Nonparticipating property means real property that is not a participating property.

Nonparticipating residence means a residence located on nonparticipating property.

Occupied community building means a school, church or similar place of worship, daycare facility, library, or public gathering place.

Owner means:

- (1) A person with a direct ownership interest in a wind or solar energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of the system.
- (2) At the time a wind or solar energy system is being developed, a person who is acting as the energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind or solar energy system, regardless of whether the person will own or operate the system.

Participating property means any of the following:

- (1) A turbine or solar collector host property.

(2) Real property that is the subject of an agreement that does all the following:

- a. Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind or solar energy system is constructed on the property.
- b. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

Participating residence means a residence located on participating property.

Personal communications include wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

Permit means a wind or solar energy system permit issued by the department pursuant to this ordinance.

Political subdivision has the meaning given in s. 66.0401 (1e) (c), Stats.

Residence means an occupied primary or secondary personal residence including a manufactured home as defined in s. 101.91 (2), Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. "Residence" includes a temporarily unoccupied primary or secondary personal residence. "Residence" does not include any of the following:

- (1) A recreational vehicle as defined in s. 340.01 (48r), Stats., notwithstanding the length of the vehicle.
- (2) A camping trailer as defined in s. 340.01 (6m), Stats.
- (3) A permanently abandoned personal residence.

Private use means a wind or solar energy system that is an accessory use to existing parcels, structures, or uses and is designed for providing energy only to existing structures or uses on the same parcel.

Renewable energy system means a structure, facility, and/or equipment that transforms natural resources into a form of energy, including but not limited to, wind and solar systems.

Roof mounted means a system mounted on and totally supported by a legal structure and not extending more than 20 feet above the highest point of the structure.

Rotor diameter means the cross-sectional dimension of the circle swept by the rotating blades.

Shadow flicker means a pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

Small-scale energy system means a renewable energy system producing 0-30 megawatts of electricity.

Small wind energy system means a wind energy system that:

- (1) Is used to generate electricity.
- (2) Has a **total** nameplate capacity of 300 kilowatts or **100 kilowatts per unit or less**; and
- (3) Has a total height of 170 feet or less.

Solar collector means a manmade device which is part of a solar energy system providing the surface on which sunlight energy is collected.

Solar energy means radiant energy received from the sun that can be collected by a solar collector.

Solar energy system means a manmade system that transforms solar energy into another form of energy or transfers heat from a solar collector to another medium using mechanical, electrical, or chemical means.

St. Croix River Buffer Zone means the area located outside of the St. Croix Riverway District and within two miles of the St. Croix River, measured from the ordinary high-water mark.

Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower means the monopole, freestanding, or guyed structure that supports a wind generator.

Turbine host property means real property on which at least one wind turbine is located.

Wind access easement means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stats. § 66.0403(1)(m)). This equipment includes any base, blade, foundation, **access road**, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

Wind energy system easement means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a wind turbine or other wind energy system facility on the property.

Wind energy system emergency means a condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

Wind energy system lease means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.

Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

Wind tower means and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices.

(Ord. No. 18-18, § 4, 5-15-2018)

Sec. 42-792. General Provisions

- (a) An owner shall provide the county with notice of any change in ownership of the renewable energy system on or before the effective date of the change.
 - (1) The change of ownership notice shall include information showing that the financial assurance requirements set forth in this ordinance will be met following the change in ownership.
- (b) An owner shall provide annual training for the county's emergency management department, sheriff's office, and any other fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide up to eight (8) hours of training each calendar year based on the need for the training and requests from local emergency management officials, and the owner is responsible for all direct training costs.
- (c) An owner shall distribute a copy of its emergency plans to the following:
 - (1) Polk County Emergency Management
 - (2) Polk County Sheriff's Office
 - (3) Clerk for any town which its renewable energy systems are located or that are within one-half mile of any of its facilities.
 - (4) Clerk for any village or city within one-half mile of any of its renewable energy systems facilities.
 - (5) Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans as set forth above.
- (d) An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the renewable energy system. An owner shall post these

signs at every intersection of an energy system access road with a public road and at each wind turbine location in a wind energy system.

- (e) An owner shall notify the administrator of the occurrence and nature of an energy system emergency within 24 hours of the emergency.
- (f) An owner of a renewable energy system shall furnish its operator, supervisors and employees who are responsible for emergency action, a copy of the current emergency procedures established under this subsection and adequate training to ensure compliance with those procedures.
- (g) If an owner is required to implement its emergency plans, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the administrator and emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall distribute the revised emergency plans to the parties set forth above.
- (h) An owner shall, on or before January 31 of each year, file an annual report with the department documenting the operation and maintenance of the renewable energy system during the previous calendar year.
- (i) An owner shall submit a copy of all necessary state and federal permits and approvals to the county within thirty (30) days of the owner's receipt of any permit or approval that was not provided with the owner's application.
- (j) An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its renewable energy facilities to preserve agricultural areas by minimizing soil compaction, topsoil loss/mixing, and to avoid and repair any damage to drainage systems on agricultural land. The applicant shall describe the best management practices they intend to use in the placement, construction, operation, and maintenance of its energy facilities in its application.
- (k) Except for the area physically occupied by the renewable energy system facilities, an owner shall restore the topography, soils, and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
- (l) A wind or solar energy system easement and any access easements shall be recorded in the Polk County Register of Deeds. The easement shall include the terms of the easement and a full legal description of the property subject to the easement.

-
- (m) A renewable energy system lease and any waiver under this ordinance shall hold harmless and indemnify the real property owner for all the following:
- (1) Any violation of federal, state, or local law by the owner of the renewable energy system.
 - (2) Any damages or bodily injury caused by the construction, operation or decommissioning of the renewable energy system.
- (n) An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed energy system facility site if the land use or commercial enterprise exists when the owner gives notice or if complete publicly available plans for construction are on file with a political subdivision within 30 days of the date the owner gives notice.
- (o) An applicant shall design a renewable energy system to reasonably minimize the conversion of land from agricultural use. The developer shall pick sites that are not identified as productive farmlands in the Polk County Farmland Preservation Plan whenever possible.
- (p) The transfer of title to any property shall not change the rights and duties under this section or ordinance.
- (q) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel. At a minimum, the tower ladder shall be designed and installed so no step bolts or a ladder is readily accessible to the public for a minimum height of eight feet above the ground.
- (r) An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
- (s) An owner shall place appropriate warning signage on or at the base of each wind turbine, electrical panel, and access roads.
- (t) An owner shall clearly mark, and fence guy wires and supports for an energy system or other hazardous equipment so that the wires and supports are visible to low flying aircraft and people/equipment on the ground.
- (u) An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and PSC 114 and shall construct, maintain, and operate all energy system facilities in a manner that complies with the national electrical code.
- (v) An owner shall construct collector circuit facilities for an energy system underground to the extent practicable.
- (w) An owner shall establish an inspection schedule for all overhead collector circuits. No third-party facilities/equipment may be attached or bonded to any portion of the overhead collector circuit.

-
- (x) An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the energy system and shall include the host property owners as additional insured persons on the policy.
 - (y) Within 90 days of when a renewable energy system commences operation, the owner shall file with the administrator and the commission an as-built description of the energy system, an accurate map of the whole energy system showing the location of all system facilities, access roads, collector surfaces, collector circuits, and current information identifying the owner of the wind energy system. An owner shall in the filings under this subsection label each wind turbine location with a unique identifier consistent with the information posted at the wind turbine location if applicable.
 - (1) The county may require an owner to pay a reasonable fee for a third-party inspector to monitor and report to the county on the owner's compliance with permit requirements during construction. An inspector monitoring compliance under this subsection shall also report to a state permitting authority upon the state permitting authority's request.
 - (z) Renewable energy systems that connect to the local electric utility shall comply with the Wis. Adm. Code PSC 119 (rules for interconnecting distributed generation facilities) or if interconnecting to the transmission system, follow the requirements identified by MISO.
 - (aa) An owner, at the owner's sole expense, shall maintain and provide the department a semi-annual maintenance log for the renewable energy system. The log must contain the following information regarding any maintenance performed: 1) date and time maintenance was performed; 2) nature of the maintenance performed; and 3) reason(s) for the maintenance. The department may retain such consultants or experts as it deems necessary to assess and determine whether the system facilities are compliant and/or to assess whether the system facilities are being maintained in good repair and operating condition. An owner shall pay for all costs incurred by the county in connection with monitoring compliance during construction and assessing when solar or wind energy facilities are maintained in good repair and operation condition.
 - (bb) Remedies for impermissible interference
 - (1) Any person who uses property which he or she owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is the subject of an application shall be liable to the permit holder or applicant for damages or any loss due to the impermissible interference, court costs and reasonable attorney fees unless:
 - a. The building permit was applied for prior to receipt of a notice, or the agency determines not to grant a permit after a hearing.
 - b. A permit affecting the property is terminated.
 - c. An agreement affecting the property is filed.

- (2) A permit holder may seek an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined. If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.

Sec. 42-7XX. Large Wind Renewable Energy Systems

- (a) An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (b) An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine.
- (c) An owner shall ensure that a wind turbine has a conventional matte or unobtrusive finish unless approved by the committee or administrator.
- (d) An owner shall design the system and implement mitigation measures to reduce the impact on wildlife.
- (e) An owner shall design and construct a wind energy system using the following setback distances:

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

-
- (f) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
 - (g) The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances above for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance from a nonparticipating property line.
 - (h) An owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration. The County may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.
 - (i) An applicant shall not construct a renewable energy system near a public or private airport/heliport that does not comply with the height and setback distance provisions set forth in Wis. Stat. 114.135, 114.136, and federal aviation administration obstruction standards.
 - (j) In addition to these ordinance provisions, an owner shall follow the requirements and process set forth in PSC 128.13 regarding siting criteria; PSC 128.14 noise, PSC 128.15 regarding shadow flicker; PSC 128.16 signal interference and PSC 128.17 regarding stray voltage.

Sec. 42-7XX Wind Energy System Noise Criteria

In this section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

- (a) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice or for which complete publicly available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice.
- (b) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
- (c) An owner shall design a wind energy system to comply with the noise standards in this section under planned operating conditions.
- (d) An owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
- (e) The owner shall use operational curtailment to eliminate the noise above the noise limits above to permanently correct the problem.

-
- (f) In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to the sound the wind energy system produces under normal operating conditions.
 - (g) Decibel measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measures to evaluate compliance in addition to those specified by this section.
 - (h) Upon receipt of a complaint regarding a violation of the noise standards in this section, an owner shall test for compliance with the noise limits. The administrator may not require additional testing to show compliance if the owner has provided the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system complies at the location relating to the complaint.
 - (i) An owner shall evaluate compliance with pre- and post-construction noise studies using the most current version of the noise measurement protocol as described in s. PSC 128.50(2).
 - (j) Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded in the Polk County Register of Deeds Office.
 - (1) Before entering into a contract described above, an owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.
 - (2) Before the initial operation of the wind energy system, an owner of a wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract described above.

Sec 42-7XX Wind Energy System Shadow Flicker

The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice, or for which complete publicly available plans for construction are on file with the county within 30 days of the date on which the owner gives notice.

-
- (a) An owner shall design the proposed wind energy system to minimize and mitigate shadow flicker at a residence or occupied community building to the extent reasonably practicable.
 - (b) An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.
 - (1) An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing or if models show 20 hours or more per year of shadow flicker.
 - (c) If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.
 - (1) If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.
 - (2) An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required.
 - (d) An owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of mitigation at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned and shall be recorded in the Polk County Register of Deeds.
 - (1) Before entering into a contract under this section, a wind energy system owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or occupied community building.
 - (e) Before the initial operation of the wind energy system, a wind energy system owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under this section.

Sec 42-7XX Wind Energy Signal Interference

The signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.

- (a) An owner shall use any and all reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
- (b) The administrator may require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required and the original mitigation solution implemented is only partially effective.
- (c) Commercial Communications Interference Mitigation
 - (1) An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The county may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.
 - (2) An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. An owner shall mitigate commercial communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned, or the communication is no longer in use, whichever is earlier.
- (d) Personal Communications Interference Mitigation
 - (1) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system.
 - (2) The county may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.
 - (3) Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. An owner shall mitigate personal communications interference caused by the wind energy system by making the

affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned, or the communication is no longer in use, whichever is earlier.

Sec 42-7xx Wind Energy System Stray Voltage

- (a) An owner shall work with the local electric distribution company to test for stray voltage at all dairy, swine, and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed.
- (b) The electric distribution company serving a dairy, swine or confined animal operation where testing is required shall conduct or arrange to conduct all required testing at the expense of the owner.
- (c) An owner and the electric distribution company shall provide to commission staff and the administrator the results of all stray voltage testing in writing.
- (d) An owner shall work with all pipeline utilities to prevent premature corrosion that may be caused by the stray voltage on their pipelines. All testing and necessary mitigation measures shall be completed at the expense of the owner.
- (e) An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the commission's stray voltage protocol.

Sec. 42-7XX Small Wind Energy Systems

- (a) The owner shall file a notice at least 60 days before an application to construct a small wind energy system, and the notice shall be provided only to adjacent landowners and the town/county with jurisdiction over the small wind energy system.
- (b) An owner shall make reasonable efforts to ascertain and accommodate any existing land use and enterprise that are located on adjacent nonparticipating properties.
- (c) Any small wind energy system shall meet the following setbacks unless waived through the process outlined in large wind energy systems above.

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height

Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or out- buildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

- (d) An owner shall provide notice of the requirements in this ordinance to each adjacent nonparticipating residence or occupied community building only before the initial operation of the small wind energy system.
- (e) The information regarding the anticipated effects of the small wind energy system on existing land uses shall only be for parcels adjacent to the wind energy system.
- (f) A written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system.
- (g) Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- (h) A small wind energy system is presumed to be at the end of its useful life if it generates no electricity for a continuous 540-day period.

Sec. 42-7XX. Solar Energy Systems

- (a) Unless otherwise stated, any condition or requirement set forth in this section is a condition for approval of an application and permit for a solar energy system for private use only.
 - (1) Solar energy systems mounted on buildings or roofs shall not exceed the maximum allowed height that may apply pursuant to other zoning regulations (i.e., shoreland zoning). Solar collectors shall not extend more than twenty-four inches from the original exterior of the building on which the collectors are mounted or built. A permit is not required for this type of solar energy system.
 - (2) Solar energy systems installed directly into the ground or on a pole shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
 - (3) Solar energy systems shall meet the accessory structure setbacks for applicable zoning regulations that may apply where the system is located.

-
- (4) Solar energy systems shall be designed to blend into the architecture of the building or structure.
 - (5) Solar energy systems using a reflector to enhance solar production shall minimize reflected light from the reflector affecting adjacent or nearby properties. Measures to minimize reflected light include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, and/or other remedies that limit reflected light.
 - (6) Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted.
- (b) Unless otherwise stated, any condition or requirement set forth in this section is a condition for approval of an application and conditional use permit for a solar energy system for commercial use only.
- (1) Solar energy systems shall meet setbacks for applicable zoning regulations that may apply where the system is located.
 - (2) Solar energy systems installed directly into the ground or on a pole shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
 - (3) Solar energy systems (excluding power and communication lines from the solar energy system to the electric power grid) shall be enclosed by a fence with controlled access.
 - (4) Solar energy systems shall be subject to and comply with the Wisconsin DNR stormwater management, erosion, sediment control provisions as well as NPDES permit requirements.
 - (5) The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements and standards may apply as required by the administrator or committee.
 - a. Large-scale removal of mature trees on the site is discouraged. County may set additional restrictions on tree clearing or require mitigation for cleared trees.
 - b. To the greatest extent possible, the topsoil shall not be removed during development unless it is part of a remediation effort.
 - c. Soils shall be planted and maintained for the duration of operation in perennial vegetation to prevent erosion, manage

run off, and improve soil.

d. Seed mixes and maintenance practices shall be consistent with those recommendations made by the department and/or Wisconsin DNR.

1. The applicant shall submit financial assurance in the form of a letter of credit, cash deposit, or bond in favor of the County equal to one hundred twenty-five (125) percent of the costs to meet the ground cover and buffer area standard. The financial assurance shall remain in effect until vegetation is sufficiently established.

Sec 42-7XX Decommissioning.

(a) An owner of a wind or solar energy system shall decommission and remove the whole energy system when the system is at the end of its useful life.

(b) An energy system is presumed to be at the end of its useful life if the energy system generates no electricity for a continuous 360-day period.

(1) Upon application by the owner, the administrator may grant a time extension for returning the energy system to service by one or more additional 180-day periods if the owner demonstrates it is likely the system will operate again in the future if the following occurs:

a. The owner submits a plan to the county that demonstrates an ongoing good faith effort to return the energy system to service and outlines the steps and schedule for returning the system to service in a reasonable period of time, including by repairing, replacing or repowering the system facilities as necessary to generate electricity.

(c) The administrator may deny a request for an extension if the energy system has not generated any electricity for a continuous period of 540 days or more or the administrator finds that the owner is not capable of returning the system to service within a reasonable period of time.

(d) When decommissioning is required, the owner shall begin decommissioning within 360 days after the energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the energy system within 540 days after the energy system has reached the end of its useful life.

(e) The committee shall review the decommissioning process.

(f) The owner of a renewable energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to fully decommission the energy system and shall ensure the availability of

funds necessary for decommissioning throughout the expected life of the energy system and through to completion of the decommissioning activities.

- (1) An owner may comply with the paragraph above by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances.
 - (2) The owner shall provide the county with two cost estimates of the actual and necessary cost to decommission the whole energy system that are prepared by third parties agreeable to the owner and county. The financial assurance amount shall be the average of the 2 estimates.
 - (3) An owner's financial assurance shall place the county in a secured position, so that any secured funds may only be used for decommissioning the energy system until either the county determines that the wind energy system has been decommissioned, or until the county has otherwise approved the release of the secured funds, whichever is earlier. The county shall be allowed to access funds for the purpose of decommissioning the energy system if the owner does not decommission the system when decommissioning is required.
- (g) During the useful life of a renewable energy system, the county may periodically request information from the owner regarding the industry costs for decommissioning the same type of energy system. If the county finds that the future anticipated cost to decommission the energy system is at least 10 percent more or less than the amount of financial assurance previously provided, the county may correspondingly increase or decrease the amount of financial assurance required for their financial assurance. The county may not adjust the financial assurance under this paragraph more often than once in a 5-year period.
- (h) An owner shall file a notice of decommissioning completion with the county and the commission when a renewable energy system approved by the county has been decommissioned and removed.
- (i) Within 360 days of receiving a notice of decommissioning, the administrator shall determine whether the owner has satisfied the requirements of this section.

Sec 42-7XX Complaint Process

- (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter or an ordinance adopted under this chapter. A complaint shall be made first to the owner of the energy system pursuant to a complaint resolution process developed by the owner.
- (1) Before construction of a renewable energy system begins, the owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any energy system facility. An owner shall include in the notice the requirements for submitting a

complaint to the owner, a petition for review to the county, and an appeal to the commission, and shall include a contact person and telephone number for the owner during construction, operation, maintenance and decommissioning.

- (2) An owner shall provide a copy of this notice to the county and the owner shall keep the contact person and telephone number current and on file with the county.
- (b) An owner shall use reasonable efforts to resolve complaints regarding a renewable energy system and shall investigate complaints at the owner's expense.
- (c) Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in s. PSC 128.42 (1). Within 15 days of receiving a complaint, an owner shall provide an initial response to the complainant.
- (d) An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the county of complaints that have not been resolved within 45 days of the date the owner received the original complaint.
- (e) A complainant may petition the county for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
- (f) An owner shall maintain a log of all complaints received regarding the energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, either to the administrator or committee. An owner shall make any complaint log available to the commission upon request.

Sec. 42-793. Land use permit application; fees; expiration.

- (a) An owner shall obtain a permit from the department before the installation, construction, modification, or expansion of a renewable energy system. No system shall be installed, constructed, modified, or expanded without complying with the provisions of this ordinance.
- (b) All projects/developments within the shoreland, wetland, and/or floodplain areas shall adhere to all applicable requirements of county shoreland, wetland, and floodplain zoning ordinances.
- (c) A land use permit shall be required for a private small wind or solar energy system in any zoning district, and in any area not zoned by any county zoning regulation subject to the following application requirements:
 - (1) The name and address of the applicant, and the address/parcel number of the land upon which the solar collector or wind energy system is or will be located.
 - (2) The telephone number, address, and office hours of the

owner.

- (3) Notice to adjacent property owners has been completed, informing them of their rights to develop their property and to plant vegetation.

(d) *Conditional use permit.* A conditional use permit shall be required for:

- (1) Any mid-scale or small-scale renewable energy system designed for commercial use.
- (2) A wind energy system in the St. Croix River Buffer Zone, and the St. Croix Riverway District, provided that all standard requirements of this article are met, along with the following requirements:
 - a. The wind energy system is not within 3,000 feet of the ordinary high-water mark.
 - b. The wind energy system has a total height of 75 feet or less.

(a) Pre-application notice

- (1) At least 90 days before an owner files an application to construct a commercial energy system, an owner shall use reasonable methods to provide written notice of the planned renewable energy system to all of the following:

- a. Landowners within a half mile of a planned host property.
- b. Town(s) where the energy system may be located.
- c. Emergency first responders serving the areas where the energy system may be located.
- d. The Wisconsin Department of Transportation.
- e. The commission.
- f. The DNR.
- g. The Wisconsin Department of Agriculture, Trade and Consumer Protection.
- h. The office of the deputy undersecretary of the U.S. Department of Defense.

- (b) At least 180 days before filing an application to construct a wind turbine with a maximum blade tip height exceeding 600 feet, the owner shall provide written notice of the planned wind energy system to the commission.

(c) The owner shall include all of the following in a pre-application notice:

- (1) A complete description of the renewable energy system.

-
- (2) A map showing the planned location of all energy system components/facilities.
 - (3) Contact information for the owner.
 - (4) A list of all potential permits or approvals the owner anticipates may be necessary for construction of the system,
 - (5) Whether the owner is requesting a joint application review process under s. PSC 128.30 (7) and the name of each political subdivision that may participate in the joint review process.
- (d) Applicant shall provide one hard copy and one digital copy of the application including but not limited to: all documents, drawings, maps, worksheets, structural analysis, product approvals, local and state approvals, and other relevant materials.
- (e) The application for permit shall contain the following information at a minimum:
- (1) Name, address, and phone number of all persons having ownership in the property where the energy system is intended to be installed.
 - (2) The location, total size, and parcel identification number of the lot or lots including a legal description.
 - (3) The existing and intended use of the lot or lots.
 - (4) A site plan (which shall be required to be drawn to scale horizontally and vertically) shall include the following:
 - a. The location of all energy system components.
 - b. The dimensions and configuration of the parcel(s).
 - c. Proposed setback distances to side and rear property lines, roads (either right-of- way lines or centerlines), septic system components, access easements, and unique site features such as wetlands and waterways.
 - d. The location of all existing, temporary, and proposed building(s) or structures.
 - e. The location of all existing or proposed public/private streets and access roads.
 - f. Existing and/or proposed private onsite wastewater treatment system(s).
 - g. Open space(s) and parking area(s).
 - h. Any applicable easements (access, utility, etc.).
 - (5) Approximate/estimated value of the development, construction, or project.
 - (6) On participating and non-participating properties, the number,

-
- and locations of the dwellings.
- (7) Location and dimensions of all buildings or structures to be erected, structurally altered, or moved.
 - (8) Such other information concerning the lot or adjacent lots as may be necessary as determined by the administrator to determine conformance with this ordinance.
 - (9) Energy system specifications, including manufacturer, model, dimensions of components, height, type of tower (if applicable), tower foundation blueprints/drawings.
 - (10) The owner shall submit one (1) copy of the application to the clerk of each town where any proposed renewable energy system would be located. Each copy of the application shall be complete.
- (f) The county adopts the permit requirements and process set forth in Wis. Stat. 66.0401(4) and Wis. Stat. 66.0403(3) - (11). Owner shall comply with such requirements and process.
- (1) Such requirements include, but are limited to, the department publishing a Wis. Stat. 985 class 2 notice after the submission of an application (Wis. Stat. 66.0401(4)(a)(I) and the applicant providing notice to applicable property owners (Wis. Stat. 66.0403(3)(b)).
- (g) The county may require the owner to pay additional fees/costs (i.e., outside attorneys, engineers, environmental specialists, planners, and other consultants and experts) to cover actual and necessary to review and process the application, as long as it does not substantially add to the development cost.
- (h) The county shall grant a conditional use permit if the agency determines that:
- (1) The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the town or county.
 - (2) No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice from the owner or has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference.
 - (3) The benefits to the applicant and the public will exceed any burdens.
 - (4) The county may grant a permit subject to any condition or exemption the county deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or

to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the solar collector or wind energy system and requirements for the compensation of persons affected by the granting of the permit.

- (i) If the county grants a conditional use permit, the county shall notify the owner of the energy system, property owners of host properties, and any owner and property restricted by the permit. The notice shall indicate that the property may not be developed, and vegetation may not be planted on the property if it would create an impermissible interference with the solar collector or wind energy system unless the permit is no longer valid or a written agreement between the energy system owner and property owner is completed. This notice shall be recorded with the Polk County Register of Deeds for each property restricted and for the property upon which the solar collector or wind energy system is or will be located.
- (j) Any right protected by a permit under this section shall terminate if the county determines that the solar collector or wind energy system which is the subject of the permit is:
 - (1) Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.
 - (2) Not installed and functioning within 2 years after the date of issuance of the permit.
- (k) The county shall give the permit holder written notice and an opportunity for a hearing on a proposed termination.
- (l) If the county terminates a permit, the county shall record a notice of termination with the Polk County Register of Deeds and may charge the permit holder for the cost of recording.
- (m) A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded.
- (n) Appeals. Any person aggrieved by the county's or administrator's decision under this section may appeal to the Board of Adjustment.
- (o) Fees. The application for a land use permit for a renewable energy system must be accompanied by the fee required for a permitted accessory use.
- (p) Expiration. A permit issued pursuant to this article shall expire if:
 - (1) The renewable energy system is not installed and functioning within 24 months from the date the permit is issued; or

Sec. 42-795. Violations.

-
- (a) It is unlawful for any person to construct, install, or operate a **renewable** energy system that is not in compliance with this article or with any condition contained in a **land use** permit issued pursuant to this article. **A separate offense is deemed committed on each day that a violation occurs or continues.**

Sec. 42-796. Administration and enforcement.

- (a) This article shall be administered by the zoning administrator or other officials as designated. The administrator may enter any property for which a **land use** permit has been issued under this article to conduct an inspection to determine whether the conditions stated in the permit have been met. The administrator may issue orders to abate any violation of this article and may issue a citation for any violation of this article as provided in chapter 2, article VII, division 2.
- (b) **The department may revoke a permit for substantial noncompliance with any provision of this ordinance, refusal to permit inspection of systems facilities for which a permit has been granted, or failure to comply with the action required contained in a notice of noncompliance.**
- (c) **The department is not required to issue a notice of noncompliance or take any other action prior to enforcing violations of this ordinance as set forth above.**
- (d) The administration may also refer any violation of this article to legal counsel for enforcement.

Sec. 42-797. Penalties and other remedies.

Any person who fails to comply with any provision of this article or a land use permit issued pursuant to this article shall be subject to enforcement and penalties as provided in section 1-19. Nothing in this section shall be construed to prevent the county **Environmental Services Committee** from using any other lawful means to enforce this article.