

CHAPTER 171

CODE OF ORDINANCES

171.01 Purpose	171.09 Miscellaneous Provisions
171.02 Definitions-Wind Energy Conversion Systems	171.10 Definitions-Solar Energy Systems
171.03 Commercial Wind Energy Conversion Systems Prohibited	171.11 General Regulations
171.04 Special Exception for Non-Commercial Wind Energy Conversion Systems	171.12 Permit Required
171.05 General Regulations	171.13 Installation
171.06 Location Limitations	171.14 Engineer Certification
171.07 Design and Technical Standards	171.15 General Restrictions
171.08 Application and Approval Requirements	171.16 Bulk Regulations
	171.17 Miscellaneous Provisions

ZONING REGULATIONS – ALTERNATIVE ENERGY

171.01 PURPOSE. The purpose of this ordinance is to provide for the regulation of owners/developers engaged in the construction, erection, placement, location and maintenance of alternative energy devices in Marengo, Iowa County, Iowa and within the 2-mile extra-territorial area around the City; and to preserve and protect public health and safety.

171.02 DEFINITIONS – WIND ENERGY CONVERSION SYSTEMS.

1. “Blade.” An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
2. “Commercial Wind Energy Conversion System.” Any Wind Energy Conversion System does not meet the definition of a Non-Commercial Wind Energy Conversion System.
3. “Horizontal Axis Wind Turbine.” A wind turbine design, in which the shaft is parallel to the ground, and the blades are perpendicular to the ground.
4. “Non-Commercial Wind Energy Conversion System (NCWECS).” A Wind Energy Conversion System which has a rated capacity of up to one hundred (100) Kilowatts and which is accessory to a permitted use on the same parcel. A system is considered a “Non-Commercial Wind Energy Conversion System” only if it supplies electrical power solely for on-site use, except when the parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
5. “Owner.” The individual or entity owns the physical structures making up the Wind Energy Conversion System, and who is responsible for meeting the requirements of this chapter, including the removal obligations set forth herein.

6. "Rotor Diameter." The diameter of the circle described by the moving rotor blades.
7. "Shadow Flicker." Alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects.
8. "Tower." Vertical structure supports the electrical generator and rotor blades of a Wind Energy Conversion System.
9. "Tower Height." The height above grade of the fixed portion of the Tower, excluding the generation unit and attached blades or rotors.
10. "Total System Height." The height of the Wind Energy Conversion System, including the tower, generating unit, and the highest vertical extension of any blades or rotors.
11. "Vertical Axis Wind Turbine." A wind generator design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.
12. "Wind Energy Conversion System (WECS or System)." An aggregation of parts (e.g. – including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment, interconnect and battery banks) configured to convert the power of wind into mechanical or electrical energy.
13. "Wind Turbine." A wind turbine is any piece of electrical generating equipment converts the kinetic energy of blowing wind into electrical energy.

171.03 COMMERCIAL WIND ENERGY CONVERSION SYSTEMS PROHIBITED. It shall be unlawful to erect or maintain a Commercial Wind Energy Conversion System anywhere within the City or within the 2-mile extraterritorial region.

171.04 SPECIAL EXCEPTION FOR NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

1. Conditional Use. A Non-Commercial Wind Energy Conversion System shall be allowed only by special exception as an accessory use to a permitted principal use (or to an approved specially-accepted principal use).
2. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any Non-Commercial Wind Energy Conversion System within the City, unless a special exception has been obtained by the owner of the system from the Zoning Board of Adjustment in accordance with Chapter 170 of the Marengo Municipal Code, as modified by the provisions of this Chapter. A special exception permit may be revoked any time the approved Wind Energy Conversion System does not comply with the

requirements set forth in this chapter or any conditions imposed by either the Board of Adjustment or the City Council. The owner of a Non-Commercial Wind Energy Conversion system shall also confirm to the Board of Adjustment it has obtained all other permits required by federal, state and local authorities prior to erecting the system, including the Federal Aviation Administration and the Federal Communications Commission.

171.05 GENERAL REGULATIONS

1. Height Limitations. A NCWECS located in any Zoning District shall not have a total system height greater than the height restriction of the district in which the NCWECS is constructed and in no event shall extend more than fifteen (15) feet above the height of the supporting building including in cases of a roof-mounted system.
2. Setback Requirements. The supporting structure of all CNWECSs shall be set back at least 40 feet from all property lines.
3. No part of a NCWECS, including blades and guy wire anchors, may extend any closer than fifteen feet (15') to the property boundaries of the lot on which it is being installed.

171.06 LOCATION LIMITATIONS.

1. No part of a NCWECS shall be located within or over any drainage, utility or other public easement, or on or over property lines.
2. No part of a NCWECS shall be located in any existing building setback area under the Marengo Municipal Zoning Ordinance.
3. All tower-mounted NCWECS in any Zoning District other than an Industrial District shall be located entirely in the rear yard.
4. All NCWECSs shall be located in compliance with any regulations of the federal aviation regulations with regard to all applicable clearance restrictions.

171.07 DESIGN AND TECHNICAL STANDARDS. The following standards are required of all Non-Commercial Wind Energy Conversion Systems:

1. Color. The entire system shall be white or light grey in color. Other neutral colors may be allowed at the discretion of the Zoning Board of Adjustment. All surfaces of the system shall be non-reflective.
2. Lighting. No lights shall be installed on the system, unless required to meet FAA regulations.
3. Signs. For tower-mounted systems, one sign, limited to four (4) square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the responsible party to call in case of emergency. No brand names associated with the system or any advertising shall be visible from any

public property (including right-of-way).

4. Electrical Wires. All electrical wires associated with any wind energy device, other than wires necessary to the operation of the wind turbine itself shall be located underground.
5. Sound. Sound produced by any wind energy devices under normal operating conditions, as measured at the property line shall not produce sound greater than 40dba. Sound levels may, however, be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.
6. Climbing Apparatus. All climbing apparatus shall be located at least twelve feet (12') above the ground, and all towers must be designed to prevent climbing within the first twelve feet (12').
7. Maintenance. The system and all related equipment and facilities shall be well maintained and kept in an operational condition poses no potential safety hazard. At least every 60 months, all towers shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. A copy of the inspection report shall be filed with the City Clerk by no later than June 1st following each 60 months period.
8. Restriction on Use of Electricity Generated. A NCWECS shall be used exclusively to supply electrical power for on-site consumption except when a parcel on which a Wind Energy Conversion System is installed also receives electrical power supplied by a utility company, excess electrical power generated by the Wind Energy Conversion System and not presently needed for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa administrative Code. The owner shall make available to the City of Marengo all reports to and from any purchaser of energy from the Wind Energy Conversion System if requested.
9. Clearance of Blade Above Ground. No portion of the system blades shall extend within twenty feet (20') of the ground. No blades may extend over parking areas, driveways or sidewalks.
10. Automatic Overspeed Controls. All systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the system.
11. Electromagnetic Interference. No NCWECSs shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems produces electromagnetic interference with signal transmission or reception. No system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined the Wind Energy Conversion System is causing electromagnetic interference, the operator shall take

the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the Board of Adjustment. The Board of Adjustment may revoke a special exception permit for a NCWECS if material electromagnetic interference from said system becomes evident.

12. Wind Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The owner shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the NCWECS, unless adequate accessibility to the wind is provided by the site without the removal of any trees taller than twenty feet (20’).

171.08 APPLICATION AND APPROVAL REQUIREMENTS. Approval or denial of an application for a special exception to permit construction of a NCWECS shall be made by the Zoning Board of Adjustment as provided in Chapter 166.07 of this Code, and as supplemented by this chapter. The Board of Adjustment may also consider a variance request related to the NCWECS in conjunction with any application for a special exception permit hereunder.

1. Application. An application for a special exception to operate a Wind Energy Conversion System shall be made on a form provided by the City Clerk and shall be accompanied by payment of a \$300.00 application fee and the following information:
 - a. Applications for a special exception permit for a NCWECS, including tower structures or roof mounted structures;
 - b. A signed petition by the proposed owner of the NCWECS with the name and address of the owner, the address and legal description of the property on which the NCWECS will be located, the name of the owner of the lot on which the system is to be located, and a general description of the proposed system including size of energy-generating turbines, height of the proposed tower structure, blade alignment, etc. A proposed timeline for the installation of the proposed system must be set forth.
 - c. A statement indicating the applicant has authority to construct, operate, and develop the NCWECS under state and federal laws and regulations, including the Federal Aviation Administration and Federal Communications Commission.
 - d. A professionally prepared site plan illustrating the specific location(s) of the proposed system and tower structure, showing property boundaries, existing utility easements or other types of easements across the property, topography of the site at 10 foot increments, proposed setbacks from the property boundary and all other structures and facilities on the property including other accessory structures, parking lots and nearby streets. In addition,

all separately owned properties within 200 feet of the property where the NCWECS is to be located must be shown along with the names and addresses of all property owners shown on the site plan. The site plan must also illustrate all structures on the subject site and abutting properties (including overhead electric lines) and the distance between those structures and the proposed NCWECS. Nearby streets and roadways, including the public rights-of-way located closest to the proposed NCWECS to be illustrated.

- e. A diagram illustrating the potential “fall zone” (i.e. in the event of collapse of the tower structure(s)) with property boundaries, building structures and public rights-of-way illustrated within the potential “fall zone.”
- f. A description of how the NCWECS will be anchored to the ground or structure, prepared by a professional engineer licensed in the State of Iowa. A general direction of rotation with a description of anticipated noise generation by a properly maintained mechanism must be shown.
- g. A statement from the applicant the NCWECS will be installed in compliance with manufacturer’s specifications, and a copy of those manufacturer’s specifications must be provided.
- h. A statement all property owners set forth in the site plan shall be provided copies of the entire application no later than seven (7) days prior to the

Board of Adjustment hearing scheduled to consider the special exception permit.

- 2. Public Notice. The City Clerk shall cause notice of the public hearing to be published in the manner prescribed by the Marengo City Code for variance requests. When application is made for approval of a Wind Energy Conversion System, notices shall be mailed to the owners of all properties set forth on the site plan.
- 3. Transferability. Any special exception granted by the Board of Adjustment for the installation of a NCWECS shall be transferable upon the transfer of the ownership of the property upon which the NCWECS is constructed.
- 4. Expiration. Failure to complete construction of the system within one year from the date of issuance of the special exception permit shall result in the automatic revocation of such permit.

171.09 MISCELLANEOUS PROVISIONS

- 1. Insurance. Upon the granting of a special exception, the owner shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney’s fees related to or caused by the

erection, location, use, or removal of a NCWECS, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the system. The owner of a NCWECS must demonstrate adequate liability insurance coverage for the above indemnification.

2. Removal. If a Wind Energy Conversion System remains nonfunctional or inoperative for a continuous period of six (6) months, the system shall be deemed to be abandoned and shall be deemed to constitute a public nuisance. In such event, the owner shall remove the system at their expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If such removal is required, the City Clerk shall notify the owner. If the owner fails to remove the system within sixty (60) days of written notice from the City Clerk, the City shall have the right to enter the property and perform the removal. If the City removes a system the cost thereof shall be the responsibility of the owner and may be recovered by the City in a civil action or as assessed against the property. In addition, the City shall have a lien against the lot on which the system is located for the full amount of the removal costs, which lien may be foreclosed like a mortgage under Iowa law. The City shall also be entitled to sell the salvage materials from the removal and apply the proceeds against the removal costs incurred.
3. Right of Entry. Upon the acceptance of a special exception permit, the owner shall be deemed to have granted permission to the City to enter the premises in order to inspect the NCWECS to assure compliance with any permit conditions and the provisions of this chapter.

171.09 DEFINITIONS – SOLAR ENERGY SYSTEMS.

1. “Collector Panel.” An equipment assembly used for gathering, concentrating or absorbing solar energy as useful thermal energy or to generate electric energy.
2. “Height, Total Building Mounted System.” The height above the roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.
3. “Height, Total Ground Mounted System.” The height above grade of the system from the highest point, including the supporting structure, related equipment and the collector panels. Adjustable angle systems will be measured from the highest point when the system is at its maximum vertical extension.
4. “Large Solar Energy System (LSES).” A solar energy system which has a nameplate rated capacity of over fifteen (15) kilowatts in electrical energy or fifty (50) KBTU of thermal energy for non-single-family residential uses and districts which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa administrative code, as amended from time to time.

5. "Off Grid." An electrical system not connected to a utility distribution grid.
6. "Small Solar Energy System (SSES)." A solar energy system which has a nameplate rated capacity of up to fifteen (15) kilowatts in electrical energy or fifty (50) KBTU of thermal energy for residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa administrative code, as amended from time to time.
7. "Solar Access." A property owner's right to have sunlight shine on his or her land.
8. "Solar Energy." Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use or photovoltaic use.
9. "Solar Energy System, Building Integrated." A solar photovoltaic system constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building's vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.
10. "Solar Energy System, Building Mounted." A solar energy system which is securely fastened to any portion of a building roof, whether attached directly to the principal or accessory building.
11. "Solar Energy System, Ground Mounted." A solar energy system which is not located on a building and is ground mounted.
12. "Solar Energy System (SES)." An aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert radiant energy from the sun into mechanical or electrical energy.
13. "Utility Scale Solar Energy System." A solar energy system which supplies electrical power or thermal energy solely for use by off-site customers.

171.10 GENERAL REGULATIONS. A solar energy system (SES) shall only be allowed as an accessory use to a permitted principal use as follows:

14. A building integrated system.

15. A building mounted system attached to the roof of an accessory or primary structure.
16. A ground mounted system as detached accessory structure to a primary structure shall only be allowed on property zoned commercial or industrial with a minimum lot size of one (1) acre. A variance concerning lot size may only be granted to a lot within a commercial or industrial zone so long as the site plan reflects construction of the SES shall be consistent with surrounding uses.
17. Large solar energy systems (LSES) shall be allowed on property zoned light industrial (I-1), heavy industrial (I-2), and Highway Commercial District (C-2).
18. Utility scale solar energy systems are not allowed.

171.11 PERMIT REQUIRED. It shall be unlawful to construct, erect, install, alter or locate any solar energy system (SES) within the city of Marengo, Iowa County, Iowa, unless approved with:

19. A building permit.
20. Site plan.
21. The owner of the SES must also obtain any other permits required by other federal, state and local agencies/departments prior to erecting the system.

171.12 INSTALLATION. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire and electric codes. All electrical components must meet code recognized test standards.

171.13 ENGINEER CERTIFICATION. Applications for any SES shall be accompanied by standard drawings of the receiving structure if newly constructed, including the supporting frame and footings. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer shall be submitted.

171.14 GENERAL RESTRICTIONS. It shall be unlawful to construct or maintain an SES unless it is in compliance with the following restrictions and requirements:

22. Color. The SES shall be neutral color. All surfaces shall be nonreflective to minimize glare could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare. The City has jurisdiction to require owner to take nuisance minimizing measures following construction. Alternative colors shall be used for Building Mounted/Integrated SESs so the SES is consistent with the building's design and appearance.
23. Lighting. No lighting other than required safety lights or indicators shall be installed on an SES.

24. Signage. No advertising or signage other than required safety signage and equipment labels shall be permitted on the SES.
25. Maintenance. Facilities shall be well maintained in an operational condition poses no potential safety hazard. Should the SES fail into disrepair it poses a safety hazard or would be considered generally offensive to the sense of the public, the SES may be deemed a public nuisance and must be abated in accordance with this Chapter.
26. Displacement of Parking Prohibited. The location of the SES shall not result in the net loss of required parking as specified in Marengo's Zoning Ordinances.
27. Utility Notification. No SES generating electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
28. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa utilities board.
29. Restriction on Use of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on site consumption, except excess electrical power generated by the SES and not presently needed for on site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa administrative code.
30. Shutoff. A clearly marked and easily accessible shutoff for any SES generating electricity will be required as determined by the City of Marengo or its designee.
31. Electromagnetic Interference. All SESs shall be designed and constructed so as not to cause radio and television interference. If it is determined the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate said interference including, but not limited to, relocation or removal of the facilities, subject to the approval of the appropriate city authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.
32. Solar Access Easements. The enactment of this section does not constitute the granting of an easement by the city. The owner may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner. Should the owner pursue a solar access easement, the extent of the solar access must be defined and the easement document executed in compliance with the regulations contained in Chapter 564A (access to solar energy) of the Iowa Code.
33. Compliance with National Electric Code. Applications for SESs shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination the manner of installation conforms to the national electric code.

34. Screening. Screening may be required for SESs visible from the public thoroughfare or adjacent properties. The need for and type of screening to be used shall be identified as part of the building permit.
35. Nonconforming Systems. An SES installed on or before the effective date of this section and is in active use and does not comply with any or all of the provision of this section shall be considered a legal nonconforming structure and will be regulated by the provisions of Marengo Ordinance Chapter 170.
36. Unsafe Condition. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any SES or associated building or structure, or part thereof declared to be unsafe by the appropriate authority.
37. Applications Required. An application for a special exception to operate a Wind Energy Conversion System shall be made on a form provided by the City Clerk and shall be accompanied by payment of a \$300.00 application fee.

171.15 BULK REGULATIONS

38. Location:

A. Ground Mounted SES:

1. No part of an SES shall be located within or over drainage, utility or other established easements, or on or over property lines.
2. The SES shall be located in accordance to the regulations for detached accessory structures in this chapter or no less than two feet (2') from the property line.
3. Neither an SES nor an LES may be located in the front yard.
4. An SES shall not be located in any required buffer.
5. Any electric transmission line shall be underground.
6. No SES shall be located which may obstruct vision between a height of thirty inches (30") and ten feet (10') on any corner lot within a vision triangle of twenty-five feet (25') formed by intersection street right of way lines.

B. Building Mounted SES:

1. The solar energy system shall be set back on less than one foot (1') from the exterior perimeter of the roof for every one foot (1') the system extends above the parapet wall or roof surface.
2. Should the solar energy system be mounted on an existing structure which does not conform to current setback requirements, the solar energy system shall be installed to meet the current setback requirements applicable to the receiving structure.
3. Shall be designed to minimize their visual presence to surrounding properties and public thoroughfares. Panel arrangements shall take in account the proportion of the roof surface and place the panels in a consistent manner without gaps unless necessary to accommodate vents, skylights, or other equipment.
4. Access pathways for the SES shall be provided in accordance to all

applicable building, fire and safety codes.

5. Shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

C. Building Integrated SES:

1. No setback required.
2. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.
3. Shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

39. Height:

A. Ground Mounted SES:

1. The maximum height of the SES shall not exceed twenty feet (20') in height as measured from existing grad.

B. Building Mounted SES:

1. The collector panel surface and mounting system shall not extend higher than eighteen inches (18") above the roof surface of a sloped roof.
2. The collector panel surface and mounting system shall extend higher than seven feet (7') above the surface of a flat roof.

C. Building Integrated SES:

1. The collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.

40. Size:

A. Size of the SES is calculated by measuring the total surface area of the collector panels of the system.

B. Ground Mounted SES:

1. The SES is restricted in size to no more than forty percent (40%) of the area of the primary structure(s) footprint.
2. The maximum length of a ground mounted SES shall be restricted to one hundred twenty-five feet (125').

C. Building Mounted SES: System size will be determined by the available roof area subject to the installation minus the required setbacks or access pathways.

D. Building Integrated SES: System size will be determined by the available building surface area subject to the installation minus the required access pathways.

E. In no case shall an SSES exceed the nameplate rated capacity of fifteen (15) kilowatts or fifty (50) KBTU.

171.16 MISCELLANEOUS PROVISIONS

41. Insurance. Upon the granting of a special exception, the owner shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney's fees related to or caused by the erection, location, use, or removal of a SES/LSES, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the system. The owner of a SES/LSES must demonstrate adequate liability insurance coverage for the above indemnification.
42. Removal. If an SES/LSES remains nonfunctional or inoperative for a continuous period of six (6) months, the system shall be deemed to be abandoned and shall be deemed to constitute a public nuisance. In such event, the owner shall remove the system at their expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If such removal is required, the City Clerk shall notify the owner. If the owner fails to remove the system within sixty (60) days of written notice from the City Clerk, the City shall have the right to enter the property and perform the removal. If the City removes a system the cost thereof shall be the responsibility of the owner and may be recovered by the City in a civil action or as assessed against the property. In addition, the City shall have a lien against the lot on which the system is located for the full amount of the removal costs, which lien may be foreclosed like a mortgage under Iowa law. The City shall also be entitled to sell the salvage materials from the removal and apply the proceeds against the removal costs incurred.
43. Right of Entry. Upon the acceptance of a special exception permit, the owner shall be deemed to have granted permission to the City to enter the premises in order to inspect the SES/LSES to assure compliance with any permit conditions and the provisions of this chapter.