

CITY OF DALTON GARDENS

ORDINANCE NO. 157

AN ORDINANCE DEFINING AND REGULATING THE CONSTRUCTION AND OPERATION OF WIND POWER GENERATORS WITHIN THE CITY LIMITS OF DALTON GARDENS, IDAHO.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS:

SECTION 1: Definition: A Wind Power Generator is anything which is designed for the purpose of generating either electrical or mechanical energy from the force of wind. This definition applies whether or not it is being used for that purpose, or whether it will be used for that purpose at any time in the future.

SECTION 2: All Wind Power Generators under 35 feet at the highest point, require a building permit before construction may begin.

SECTION 3: All Wind Power Generators over the height of 35 feet at the highest point shall require both a variance, under the procedures set forth under Title 5, Section 8 of the Dalton Gardens City Code, and a building permit before construction may begin.

SECTION 4: The building permit application must include the following:

1. Plot Plan. The plot plan must be accurately drawn to scale and must show at a minimum the following;

a. Proposed location and height of the wind power generator.

b. Property boundaries of all properties within 300 feet of the proposed site.

c. Locations of all easements within 150 feet of the proposed site.

d. Locations of all homes, buildings, and structures within 300 feet of the proposed site.

e. Major topographical features.

f. Location of all power lines, including any overhead service lines going to any home, building, or structure.

2. Structural analysis of the tower structure written by the manufacturer of the tower, or by a state certified engineer.

3. Noise analysis showing noise levels at the distance of 300 feet from the proposed site.

SECTION 5: A building permit will be granted only if all of the following requirement and conditions are met:

1. A wind power generator may not be mounted to any building or structure not designed specifically for that purpose.

2. A wind power generator may not be placed on any property of less than one acre.

3. A wind power generator must be a minimum distance of one and one half times the maximum height of the tower, including anything attached to it, from the following:

a. Any power line, including overhead service lines

feeding any building, home or structure;

- b. Any public roadway or right of way;
- c. Any property line;
- d. Any overhead public utility lines.

4. A wind power generator must be located a minimum distance of 300 feet from any home, building, or structure designed for human occupancy located on adjacent property. This includes any designated or platted building site for future residential construction. If there is a vacant residential acre within 300 feet of the proposed site, then every effort must be made to maintain a minimum distance of 300 feet from the most likely residential building site.

5. A wind power generator must be a minimum distance of 60 feet from any residence located on the same property. If there is no residence on the property, then a residential building site must be designated, platted, and approved by the city building inspector before the building permit for the wind power generator may be granted. No changes will be permitted to that residential building site once the wind power generator has been built.

6. Any guy wire anchoring point must be a minimum distance of 10 feet from the following:

- a. Property lines;
- b. Public roadways, including any right of way;
- c. Easements.

7. Any wire running from the wind power generator to any

building or structure must be buried underground in conduit, and must meet all applicable state codes.

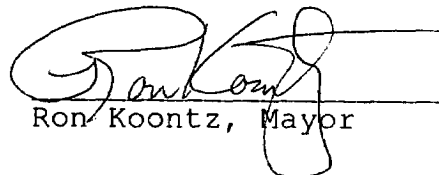
SECTION 6: Variance. Variances to this Ordinance shall be processed in accordance with the Zoning Ordinance of the City of Dalton Gardens.

SECTION 7: Severability. Should any section or provision of this Ordinance be declared by the court to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8: Repealer. That all ordinances and parts of ordinances in conflict herewith are repealed.

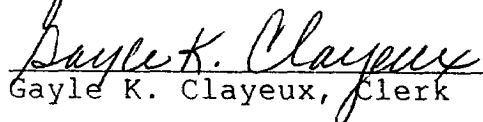
SECTION 9: That this Ordinance shall take effect and be in full force and effect upon its passage and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published in Coeur d'Alene, Kootenai County, Idaho.

Passed under suspension of the rules upon a roll call vote taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the City Council held on the 2nd day of August, 2001.



Ron Koontz, Mayor

ATTEST:



Gayle K. Clayeux, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Candace Madarieta being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal notice

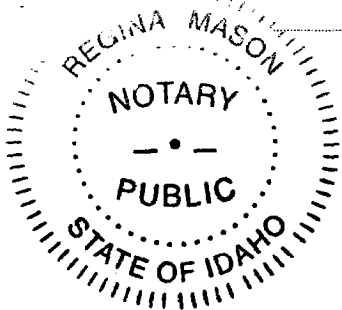
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 1 consecutive day commencing on the 9th day of August, 20 01, and ending on the 9th day of August, 20 01, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Candace Madarieta

Personally appeared before me this 10th day of August, 20 01

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 6/18/03

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Ron Koontz
Mayor

ATTEST:
Gayle K. Clayeux, Clerk
Legal 566
Aug. 9, 2001