

**CITY OF WASHINGTON TERRACE  
ORDINANCE 13-04**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,  
ADOPTING CHAPTER 17.50 OF THE MUNICIPAL CODE RELATING  
TO ALTERNATIVE ENERGY SOURCES; SEVERABILITY; AND  
PROVIDE AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

**WHEREAS**, *Utah Code Annotated* §§10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a of the *Utah Code Annotated* authorizes the City to regulate land use and development;

**WHEREAS**, the City Council desires to amend Chapter 17 of the City’s municipal code to regulate land use for alternative energy sources that such is compatible with the community;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Washington Terrace, Utah, as follows:

**Section 1: Repealer.** Any word, sentence, paragraph, or phrase in the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2. Amendment.** Chapter 17.50 is hereby amended in its entirety to read as follows:

**Chapter 17.50  
Alternative Energy Sources**

**Sections:**

- 17.50.010. Purpose and intent.**
- 17.50.020. Wind energy systems.**
- 17.50.030. Solar energy systems.**
- 17.50.040. Geothermal energy systems.**

**17.50.010. Purpose and intent.**

It is the purpose and intent of this chapter to provide regulations that promote the safe, effective, and efficient use of alternate energy systems. To provide for safe and compatible alternative energy

system installation that may reduce on-site consumption of utility-supplied energy and reduce the carbon footprint. To protect minimize visual impacts and promote the health, safety, and welfare of adjacent properties and surrounding land uses.

**17.50.020. Wind energy systems.**

1. Condition use. Wind energy may be harnessed for energy generation only as a conditional use as provided herein.
  - a. The burden is on the applicant to demonstrate satisfaction of all requirements.
  - b. Windmills for energy generation systems shall be permitted as an accessory use and accessory structure in accordance with this section.
  - c. Power generated by a windmill under this section shall not exceed ten (10) kilowatts, or the maximum wattage of a typical home energy kit.
  - d. No commercial wind generation or related windmills for the generation of energy are permitted in the city, except for energy generated in excess of the requirements of the property and purchased by a public utility in accordance with any governing regulation.
2. Site development standards. The following site development standards apply:
  - a. One acre minimum lot size is required for any type of wind energy system.
  - b. Wind energy generation shall be limited to one (1) windmill per lot or parcel.
  - c. The maximum height of any windmill is thirty-five (35) feet, measured from the finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position.
  - d. No windmill shall be placed:
    - i. In a front yard setback.
    - ii. In the side or rear yard where it is readily visible from the public right-of-way.
    - iii. On a main building or accessory building where it is readily visible from the public right-of-way.
    - iv. No windmill shall be placed closer to a property line, utility line, and structure or fuel source than the distance measured by its height plus ten percent (10%) of its height (measured in feet).
    - v. No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen (15) feet.
    - vi. The proposed location of the windmill shall be demonstrated to minimize view obstruction of neighboring properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties.
3. General regulations. The following general regulations apply:

- a. The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.
  - b. All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be below grade.
  - c. Windmills shall not be lighted except as otherwise required by law.
  - d. There shall be no antennae, advertising or other items or materials affixed to or otherwise placed on the windmill, except those required for safety purposes.
4. Site plan requirements. A complete site plan shall be submitted that contains at a minimum, the following:
- a. Property boundaries and identities of neighboring property owners.
  - b. Location of all manmade structures on the property, as well as all manmade structures within one hundred feet (100') of the proposed windmill.
  - c. All wires and overhead structures, both natural and manmade.
5. Construction and engineering details. Construction specification from a qualified engineer shall be submitted that detail at a minimum, the following:
- a. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation and support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
  - b. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill.
  - c. Information regarding the speed of operation and the braking mechanism(s). No windmills shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the windmill or any of its component parts.
  - d. Additional information necessary to process the permit application.
6. Removal. Any wind energy system may be removed as follows:
- a. The system or windmill that is in a state of disrepair and/or has not been operational and in continuous service for a period of one (1) year shall be removed from the property and legally disposed.
  - b. All structures and enclosures accessory to the windmill shall also be completely removed from the property and legally disposed.
  - c. If the system is deemed to be a public nuisance by the building official or in accordance with *Utah Code Annotated* §10-11-1.
7. Inspections. The following building permit and inspection requirements apply:
- a. A windmill shall not be constructed until a building permit has been approved and issued per the applicable international building code.
  - b. All wiring shall comply with the applicable version of the National Electric Code (NEC).

- c. The local utility provider shall be contacted to determine grid interconnection and net metering policies.
- d. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by qualified engineer.
- e. Prior to construction on any wind energy system, the property owner must acknowledge that responsibility for owning and maintaining the wind energy system and any windmill. The same shall acknowledge that in the event that wind energy system or windmill is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or repair the wind energy system or windmill.
- f. No wind energy system shall commence operation until final inspection is made.

**17.50.030. Solar energy systems.**

- 1. Site development standards. The following site development standards apply:
  - a. Solar energy systems are permitted in all zoning districts as an accessory use.
  - b. Solar energy systems shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for any commercial sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  - c. Solar energy systems connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
  - d. Solar energy systems may be roof mounted or ground mounted.
  - e. A roof mounted system may be mounted on a principal building or accessory building as follows:
    - i. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum building height or accessory building height specified for the building type in the underlying zoning district.
    - ii. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
  - f. A ground mounted system shall:
    - i. Not exceed fifteen feet (15') in height.
    - ii. The surface area of a ground mounted system shall not constitute more than ten (10) percent of the allowable lot coverage. The surface area applies regardless of the mounted angle and is calculated as part of the overall lot coverage.
    - iii. A ground mounted system or system shall not be located in the front yard.
    - iv. The minimum system setback distance from any property line is ten (10)

- feet.
2. General provisions. The following general provisions apply:
    - a. The number of solar panels and supporting equipment shall be considered as one solar energy system.
    - b. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
      - i. Mechanical equipment shall be appropriately screened from any adjacent property. Appropriate screening shall consist of shrubbery, trees, or other plant materials which provides a visual screen. In lieu of a planting screen an appropriate fence may be used.
      - ii. Mechanical equipment shall not be located within the front yard setback.
      - iii. Mechanical equipment shall be set back at least ten (10) feet from the rear and side property lines.
      - iv. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or any public right of way.
      - v. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
      - vi. A solar energy system shall not be used to display advertising, including, but not limited to: signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system in accordance with any applicable law.
      - vii. A solar energy system shall not be constructed until a building permit has been approved and issued.
      - viii. The design of the solar energy system shall conform to applicable industry standards.
      - ix. A building permit shall be obtained for a solar energy system.
      - x. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies.
      - xi. The applicant shall submit system design supplied by the equipment manufacturers any engineering shall be completed by a qualified engineer.
      - xii. The solar energy system shall comply with all applicable codes so as to ensure structural integrity of the system.
      - xiii. Prior to construction on any system, the property owner must acknowledge that responsibility for owning and maintaining the system. The same shall acknowledge that in the event that the system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or repair the system.
  3. Removal. Any solar energy system may be removed as follows:

- a. The system that is in a state of disrepair and/or has not been operational and in continuous service for a period of one (1) year shall be removed from the property and legally disposed.
- b. If the system is deemed to be a public nuisance by the building official or in accordance with *Utah Code Annotated* §10-11-1.

**17.50.040. Geothermal energy systems.**

1. Site development standards. The following site development standards apply:
  - a. Geothermal energy systems are limited solely to ground source heat pumps designs.
  - b. Geothermal energy systems are permitted in all zoning districts as an accessory use.
  - c. Geothermal energy systems are to be constructed in accordance with the design standard of a qualified engineer and installed according to the specifications of the manufacturer.
2. General provisions: The following general provisions apply:
  - a. Geothermal energy systems shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for any commercial sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  - b. Geothermal energy systems connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
3. Removal. Any geothermal energy system may be removed as follows:
  - a. The system that is in a state of disrepair and/or has not been operational and in continuous service for a period of one (1) year shall be removed from the property and legally disposed.
  - b. If the system is deemed to be a public nuisance by the building official or in accordance with *Utah Code Annotated* §10-11-1.

**17.50.050. Limitations.**

Only the alternative energy sources provided in this chapter as permitted or conditional uses are allowed in any zone. As safe and reliable new technology occurs appropriate consideration shall be afforded to such by an amendment to this chapter.

**Section 4: Severability.** If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 5: Effective date.** This ordinance shall take effect immediately after adoption and posting.

PASSED AND ADOPTED by the municipal council on this \_\_\_\_ day of \_\_\_\_\_,  
2013.

\_\_\_\_Signature on file\_\_\_\_\_  
MARK C. ALLEN, Mayor

ATTEST:

\_\_\_\_Signature on file\_\_\_\_\_  
AMY RODRIGUEZ, City Recorder