

**NEWTON COUNTY METEOROLOGICAL TOWER
PERMITTING ORDINANCE
NO. 10.20.08**

Summary: AN ORDINANCE ESTABLISHING A PERMITTING PROCESS WITHIN NEWTON COUNTY, INDIANA TO AUTHORIZE AND REGULATE THE CONSTRUCTION OF TEMPORARY METEOROLOGICAL TOWERS

COMES NOW THE NEWTON COUNTY BOARD OF COMMISSIONERS AND HEREBY ORDAINS:

Whereas, Indiana Code Sections 36-1-3-1 et seq. permit any County in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its County or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or preempted by any other law, or is not expressly granted by any other law to another governmental entity; and

Whereas, the Board of Commissioners of Newton County, Indiana finds that recent advances in wind energy conversion system technology have resulted in a new generation of renewable energy opportunities for local residents; and

Whereas, significant and specific meteorological data must be collected by means of erecting temporary meteorological towers in order to establish the feasibility of locating wind energy conversion systems upon certain locations within Newton County; and

Whereas, the Newton County Plan Commission has reviewed this matter at its public meeting of July 29th, 2008 and provided a favorable recommendation to permit said meteorological towers within Newton County, if constructed pursuant to certain guidelines; and

Whereas, the Board of Commissioners find that it is in the public interests of Newton County and its citizens to allow such temporary towers, and further to provide for their reasonable regulation, control, and duration within Newton County, Indiana;

Now, therefore, be it ordained by the Board of Commissioners of Newton County, Indiana, as follows:

Definition of Meteorological Tower: For the purposes of this ordinance, a meteorological tower shall be defined as a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a wind energy conversion system.

- I. Any and all meteorological towers erected within Newton County shall require a permit if located within an agriculturally zoned district (A), or a special exception if located in any other zoning district.
- II. All towers shall be temporary in nature and shall not be allowed to stand for a time period in excess of eighteen (18) months. Towers shall be removed prior to installation of the wind energy conversion system for which they are measuring.
- III. A tower permit must be obtained from the Newton County Building Commissioner for each and every tower erected, and the permit must be approved and issued prior to construction. Failure to obtain a permit prior to construction shall result in a fine of \$500 per tower per day for each and every day the tower or related base or structure remains in place without the necessary permit.
- IV. All applicants receiving a permit shall pay a permit fee of five hundred dollars (\$500.00) for each and every permit to the Office of the Newton County Building Commissioner.
- V. No permanent base or concrete structure shall be used to anchor any tower.
- VI. Only one (1) Tower may be erected per parcel of land, with each parcel being no smaller than four (4) acres.
- VII. No signs or lighting will be permitted upon said towers unless legally required by FAA regulations.
- VIII. Tower and all materials are to be completely removed from the property immediately upon the expiration date of the applicable permit. Failure to comply shall result in a fine of \$500 per tower per day for each and every day the tower or related base or structure remains in place after the permit expires.
- IX. Setbacks shall be no less than the height of the tower in all directions.
- X. Owner shall provide a valid certificate of liability insurance showing coverage for the permitted property, or in the alternative, owner shall erect an 8' fence with locking gate completely around the structure.
- XI. Any permit granted shall remain valid no longer than eighteen (18) months for the date of issue.

BE IT FURTHER ORDAINED that any ordinance or portion thereof in conflict with this ordinance is hereby revoked.

THIS ORDINANCE shall take effect upon passage by the Board of County Commissioners and after proper notice and posting as required by law.

ALL OF WHICH IS DULY ORDAINED AND APPROVED BY THE NEWTON COUNTY COMMISSIONERS THIS 20th DAY OF OCTOBER, 2008.

NEWTON COUNTY COMMISSIONERS

Roxanna Hanford, President

James Pistello

Russell Collins, Jr.

ATTEST: _____
Patricia Carlson, Auditor

*This document prepared by:
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