

**ORDINANCE 2009-16**

**AN ORDINANCE AMENDING CHAPTER 15, TABLE 15-5-3.6, AND CHAPTER 16, TABLE 16-4-3.6, OF THE TOOELE COUNTY LAND USE ORDINANCE, PERMITTING THE USE OF EMERGENCY GENERATORS, WITH SPECIFIED RESTRICTIONS, IN ALL ZONING DISTRICTS**

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I - PURPOSE.** This ordinance seeks to permit the use of permanent or temporary generators for emergency situations in all zoning districts, with specified restrictions, without the requirement of an approved conditional use permit. The Erda and Tooele County Planning Commissions held public hearings on the issue and recommend passage of this ordinance. The Pine Canyon Planning Commission held a public hearing on the issue and recommends passage of this ordinance if restriction iv is excluded.

**SECTION II - TABLE AMENDED.** Chapter 15, Table 15-5-3.6 of the Tooele County Land Use Ordinance is hereby amended to read as follows:

Table 15-5-3.6. Utilities and utility services.									
#	Use	Multiple Use (MU-)			Agriculture (A-)		Rural Residential (RR-)		
		40	80	160	20	40	1	5	10
a	Power generation for on-site use, unless intended for emergency situations as depicted below the table*:								
i	solar	P	P	P	P	P	P	P	P
ii	wind driven under 5.9 KVA	P	P	P	P	P	C	P	P
iii	auxiliary, temporary, and/or wind, with more than 6 KVA, but less than 10 KVA output	P	P	P	P	P	-	P	P
iv	Steam, hydro, or reciprocating engine with more than 10.05 KVA, but less than 150 KVA output	C	C	C	C	C	-	C	C

<b>b</b>	Accessory buildings and uses customarily incidental to permitted uses	<b>P</b>							
<b>c</b>	Accessory uses and buildings customarily incidental to conditional uses	<b>C</b>							

\* permanent / temporary emergency generators shall be a permitted use in the above districts subject to the following restrictions:

- i. the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- ii. the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- iii. the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- iv. the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

**SECTION III - TABLE AMENDED.** Chapter 16, Table 16-4-3.6 of the Tooele County

Land Use Ordinance is hereby amended to read as follows:

Table 16-4-3.6. Utilities and utility services.								
#	Use	Residential (R-1-__)				Multiple Residential (R-M-__)		
		21	12	10	8	7	15	30
<b>a</b>	Accessory buildings and uses customarily incidental to permitted uses	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>b</b>	Accessory buildings and uses customarily incidental to conditional uses	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<b>c</b>	Essential service facilities	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<b>d</b>	Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<b>e</b>	Substations or transmission lines of 50 KV or greater capacity	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>

permanent / temporary emergency generators shall be a permitted use in the above districts subject to the following restrictions:

- i. the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- ii. the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- iii. the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- iv. the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

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**SECTION IV - REPEALER.** Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION V - EFFECTIVE DATE.** This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

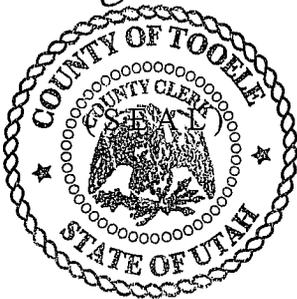
**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 21<sup>st</sup> day of April 2009.

**ATTEST:**

**TOOELE COUNTY COMMISSION:**

  
Marilyn K. Gillette, Clerk

  
Colleen S. Johnson, Chairman



Commissioner Johnson voted YBS  
Commissioner Clegg voted YBS  
Commissioner Hurst voted YBS

**APPROVED AS TO FORM:**

  
Doug Hogan  
Tooele County Attorney