

GOODING COUNTY TOWER ORDINANCE NO. 103

**FOR TOWERS BETWEEN 100' AND THE FEDERAL AVIATION ADMINISTRATION'S
MINIMUM HEIGHT REQUIREMENT FOR OBSTRUCTION MARKING AND LIGHTING**

AN ORDINANCE OF THE COUNTY OF GOODING, IDAHO, TO ESTABLISH REGULATIONS
AND STANDARDS FOR PERMITTING AND IDENTIFYING TOWERS;
WHEREAS, DISCUSSIONS HAVE BEEN HELD BY THE GOODING COUNTY PLANNING AND
ZONING COMMISSION AND CONCERNED PILOTS IN GOODING COUNTY, AND;
WHEREAS THIS ORDINANCE COMPLIES WITH THE GOODING COUNTY
COMPREHENSIVE PLAN; AND;
WHEREAS IT IS DEEMED TO BE IN THE BEST INTERESTS AND SAFETY OF PILOTS
OPERATING AT LOW ALTITUDES IN GOODING COUNTY AND TO PROTECT LIFE AND
PROPERTY TO ADOPT AN ORDINANCE.
WHEREAS, THE PROPOSED ORDINANCE WAS CONSIDERED BY THE GOODING COUNTY
BOARD OF COMMISSIONERS AT A DULY NOTICED PUBLIC HEARING ON JULY 11, 2011.

I. PURPOSE:

The purpose of this Ordinance is to provide a set of standards for towers between 100' and the Federal Aviation Administration's minimum height requirement for obstruction marking and lighting for pilot safety and to protect life and property.

II. TITLE, INTERPRETATION AND ENACTMENT:

- A. This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.
- B. Should any section or provision of this Ordinance be declared by the Courts 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.
- C. All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval, adoption, and publication, as provided by law.
- D. The Board of County Commissioners of Gooding County specifically finds that this ordinance conforms with and is in compliance with the division and dictates of the Gooding County Comprehensive Plan.

III. DEFINITIONS:

Guyed Tower: A tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Height, Tower: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, protection devices (e.g. lightning rods) and lighting.

Lattice Tower: A tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole: A tower of a single pole design.

Tower: A structure high in proportion to its lateral dimensions and not intended for human occupancy.

For additional definitions particular to towers, please see Gooding County Telecommunications Ordinance No. 71.

IV: REQUIREMENTS

A. TOWER VISIBILITY

All towers meeting the height requirements specified by this Ordinance and located outside the exterior boundaries of any incorporated city or town in Gooding County shall be visible and may be required to be lighted, marked, painted, and flagged in accordance with the following guidelines:

1. Towers must be painted in seven, equal, alternating bands of aviation orange and white. Beginning with orange at the top of the tower, and ending with orange at the base.
2. Towers must have a flashing light at the top of the tower with a minimum of 3.75 km visibility when flashing.
3. The surface area under the entire footprint of the tower and six (6) ft past the outer anchors must be free of vegetation, or planted in vegetation that is distinctly different from the vegetation surrounding the tower.
4. Guy-Wired towers must have a total of eight (8) marker balls attached as follows: four (4) marker balls attached to guyed wires at the top of the tower at a distance no further down than fifteen (15) feet from the top wire connection to the tower; four (4) marker balls at the bottom of the guyed wires at a height of 5 - 10 feet above the tallest crop to be grown in the immediate vicinity of the tower.
5. Guy-Wired towers must have a seven (7) foot long safety sleeve at each anchor point, plus one sleeve located six (6) feet outside the outside anchor, and one sleeve at the lift anchor.

B. SPECIAL USE PERMIT APPLICATION

Locating and constructing a tower meeting the height requirements specified by this Ordinance including the buildings or other supporting equipment used in connection with said tower shall require a Special Use Permit in accordance with Gooding County Zoning Ordinance.

VI. APPEAL

Any applicant or affected person aggrieved by a decision of the Commission shall have a right to appeal to the Board. Appeals shall be governed and processed in accordance with the provisions of the Gooding County Zoning Ordinance.

VII. ENFORCEMENT:

- A. Violations of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor as defined by Idaho Code §18-113, and is punishable by up to six (6) months in jail and up to a Three Hundred dollar (\$300.00) fine, or both. Each day such violation continues shall be considered a separate offense.
- B. Further, the Board may at any time take immediate action to protect the public in accordance with the process set forth in Idaho's Administrative Procedure Act, specifically Idaho Code §67-5247.

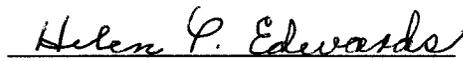
This ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and approved by the Board of County Commissions of Gooding County, Idaho, on this 11th day of July, 2011.

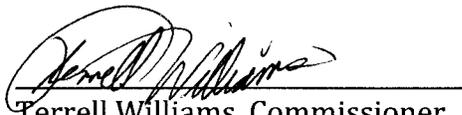
APPROVED



Tom Faulkner, Chairman



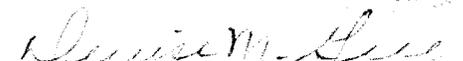
Helen Edwards, Commissioner



Terrell Williams, Commissioner



ATTEST:



Denise Gill, Clerk