

**ORDINANCE NO. 3367**

AN ORDINANCE AMENDING CHAPTER 22 OF THE EDMOND MUNICIPAL CODE SUBSECTIONS 22.4.37(H) POWER-GENERATION TOWER OR STRUCTURE; 22.4.37(I) STORM SHELTERS; PROVIDING FOR CHANGES IN THE INTERNATIONAL BUILDING CODE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Subsection 22.4.37(H) of the Edmond Municipal Code is hereby amended as follows:

(H) *Power-Generation Tower or Structure.* Power-generation towers or structures, as defined by Chapter 9 of this Ordinance, shall be permitted subject to the International Building Code, the International Residential Code for One and Two-Family Dwellings and National Electrical Code as set out in Title 16 of the Edmond Municipal Code to the following standards:

- (1) Wind-motivated power-generation towers or structures may not exceed the height limitation of the district in which located, but shall be emplaced in such manner that there shall be a distance from the base of the tower or structure to all property lines greater than the height of the tower or structure as measured from the base thereof to its highest point, to include height added by any blade in a vertical position, so that should said tower topple over it shall come to rest wholly within the confines of the property on which it is emplaced. All such towers and structures may not be attached or affixed to any residential structures.
- (2) The owner of the property upon which any power-generating tower or structure is proposed, shall

provide to the City written authorization giving City employees the right to enter the subject property whenever deemed necessary by the City for the purpose of inspection of the structure, its supports and components for structural stability and integrity; provided, that any such right-to-enter shall not be deemed to relieve the owner of any of his duties under law, nor shall it be deemed to impose upon the City any obligations under law not existing prior to the execution of any such right-to-enter.

SECTION 2. Subsection 22.4.37(I) of the Edmond Municipal Code is hereby amended to read as follows:

(I) *Storm Shelters.*

- (1) Storm shelters shall not be constructed in any public utility, drainage, public right-of-way, or roadway easement or right-of-way, and shall comply with all applicable FEMA and ICC standards as set out in Title 16 of the Edmond Municipal Code.
- (2) In-Ground Storm shelters may be constructed in the street yard provided that a three foot side yard is maintained from the side property lines. In-Ground storm shelters constructed in the street yard shall not have any projection to include backfill, cover, hatches, stairs, or vent pipes exceeding twelve inches above grade in height, with measuring the point to be twelve inches from any side or radius of the constructed shelter. Above-Ground storm shelters must comply with the Residential Standards as set out in Section 22.4.37(B) of the Edmond Municipal Code.
- (3) Storm shelters may be constructed in the rear or side yard. In-Ground storm shelters shall be set back three feet from the side lot line on all corner and interior lots. In-Ground storm shelters constructed in the rear or side yard behind the

front elevation of the house shall not exceed five feet in height for any projection of the structure.

- (4) Above-ground storm shelters, constructed in the rear or side yard, must comply with the Residential Standards as set out in Section 22.4.37(B) and 22.5.1 of the Edmond Municipal Code.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 4. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the 10<sup>th</sup> day of December, 2012.

( Charles Lamb )

MAYOR

Attest:

( Nancy Nichols )

City Clerk

APPROVED as to form and legality this the 10<sup>th</sup> day  
of December, 2012.

( Steve Murdock )

CITY ATTORNEY