

**Municipal Officer's Certification of Official Text for the
Town of Canaan, Maine Ordinance Titled
"Residential Wind Energy Ordinance"**

To the Town Clerk of the Town of Canaan:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of an ordinance prepared by the Canaan Planning Board entitled, "Residential Wind Energy Ordinance" to be presented to the voters for their consideration on March 16, 2013.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: February 19 20, 13.

Town Selectmen of Canaan, Maine

Rita Graf
Rita Graf
Daniel Harriman
Daniel Harriman
Paul Natale
Paul Natale

Attestation

Attest: A true copy of a final draft of a proposed ordinance entitled "Residential Wind Energy Ordinance", as provided to me by the municipal officers of Canaan on the 19th day of February, 2013.

Signature Denise B. Sletten
Town Clerk of Canaan

Town of Canaan, Maine, Residential Wind Energy Ordinance

1. **Title.** This ordinance shall be known as the Town of Canaan, Maine, Residential Wind Energy Ordinance.
2. **Purpose.** The purpose of this Ordinance is to protect the health, safety and general welfare of the residents and property owners of Canaan by establishing reasonable and uniform regulations for Residential Wind Energy .
3. **Applicability.** This section applies to all wind turbines that:
 - a) power produced is primarily for Residential use on site.
 - b) are shorter than 150 feet above surface grade (measured with a blade at its highest arc)
 - c) have a manufacturer's nameplate capacity of less than 100kw
4. **Exemption.** Farmland within the town of Canaan will be exempt defined as "Farmland" means any tract or tracts of land, including farm woodland and wasteland, of at least 5 contiguous acres on which farming or agricultural activities have contributed to a gross annual farming income of at least \$2,000 per year from the sales value of agricultural products as defined herein, in one of the 2, or 3 of the 5, calendar years. The farm operation or agricultural activity and income derived from that activity may be achieved by either the owner or a lessee of the "farmland".
5. **Authority.** This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S.A Section 3001(Home Rule), and the provisions of the Planning and Land Use Regulation Act 30-A M.R.S.A Section 4312, *et seq.*
6. **Conflicts with Other Ordinances, Laws and Regulations.** If there is a conflict between provisions in this Ordinance or between a provision in this Ordinance and a provision of any other ordinance, regulation, or statute from any jurisdiction, the more restrictive provisions shall apply.
7. **Validity and Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of the Ordinance.
8. **Amendments.** Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectman, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.
9. **Effective date.** This Ordinance shall become effective on the date of its passage.
10. **Specific Requirements.**
 - a) Wind turbines shall be set back from the property line a distance that is at least 150% of the height of the structure, measured vertically from the tip of the blade at its highest arc to

the surface of the ground at the base of the structure.

- b) The minimum distance between the ground and any turbine blade (measured at its lowest arc) shall be 25 feet.
- c) Wind turbines shall be sited so that no obtrusive shadow flicker occurs off the applicant's property. Shadow flicker is defined as alternating changes in light intensity caused by the motion of turbine blades casting shadows.
- d) Wind Turbines shall be a non-obtrusive color such as white or grey
- e) Wind Turbines shall not display any signs or advertising other than the manufacturer's nameplate.
- f) Wind turbines shall not be artificially lit, except if required by state or federal law.
- g) Wind turbines shall comply with all state and federal requirements.
- h) All abutting property owners shall be notified by the applicant of his/her intent to submit an application for wind turbine installation.

11. Application Procedures

- a) Applicant will complete and return "Town of Canaan Residential Wind Energy Application" to the Canaan Planning Board for approval.
- b) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- c) The applicant shall have the burden of proving that the proposed project is in conformity with the purposes and provisions of this Ordinance.

12. Procedure for Administering Permits

Within thirty five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty five (35) days of the public hearing if one is held. Permits shall be approved if the proposed project is found to be in conformance with the purposes and provisions of this Ordinance.

13. Violations and Enforcement

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal structures or work being done, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.