

ORDINANCE NO. 4, 2015

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PITMAN,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER XXXV
ENTITLED "ZONING" AND TO CREATE A NEW §35-33A ENTITLED "WIND AND SOLAR
ENERGY SYSTEMS" OF THE CODE OF THE BOROUGH OF PITMAN

WHEREAS, the Mayor and Council of the Borough of Pitman have determined that certain amendments to the Chapter XXXV entitled "Zoning" are necessary;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 35 entitled "Zoning" shall be amended to include a new §35-33A entitled "Wind and Solar Energy Systems" to read in its entirety as follows:

35-33A WIND AND SOLAR ENERGY SYSTEMS.

35-33A.1 Definitions.

Ground-Mounted: Systems which are not mounted on existing structures.

Inherently beneficial use: A use which is considered of value to the community because it fundamentally serves the public good and promotes the general welfare.

Photovoltaic (PV) Systems: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever light strikes them.

Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

Solar Energy System means any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.

Solar Panels: A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

Vertical Axis Wind Turbine means equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

Wind Energy System means a wind energy conversion system consisting of a wind turbine, associated poles/towers and support structures, and associated control or conversion of electronics, which has a rated capacity consistent with applicable construction codes which will be used for on-site consumption but not including large diameter windmills

35-33A.2 Wind Energy Systems.

A. Wind energy systems shall be restricted to vertical – axis wind turbine technology. Vertical – axis wind turbines shall meet the following criteria:

- [1] Wind system may be pole mounted or roof mounted.
- [2] Only one vertical – axis wind turbine per property shall be permitted.
- [3] The size of the vertical – axis wind turbine shall be no more than 48 inches (48") in diameter and 72 inches (72") tall.
- [4] The height shall be restricted to 8 feet (8') above the peak of the roof, but in no case shall it exceed 41 feet (41') above the ground surface to the top of the wind turbine unit.
- [5] All moving parts of the wind energy system shall be a minimum of 15 feet (15') above ground level.
- [6] Support poles/towers and support foundations shall be designed by a licensed engineer in the state of New Jersey. In the event that a vertical – axis wind turbine unit is mounted to, or is constructed on top of an existing dwelling or building, detailed calculations and engineering drawings of the mounting must be provided by a licensed engineer in the state of New Jersey.
- [7] Cables shall not be permitted to brace support poles, towers or roof mounted units.
- [8] Setbacks:
 - a. No vertical – axis wind turbine support pole or tower shall be constructed in the front yard or side yard of any property.
 - b. Support poles and towers, including height of the wind turbine unit, shall be set back a distance equal to its total height from:
 - i. Any public road right-of-way.
 - ii. Any overhead utility lines.
 - iii. All property boundary lines.
 - c. Support poles, towers and turbine units shall be factory finish, color to be approved by the Zoning Office. To the extent possible, colors should blend in with the surroundings. No signs, other than manufacturers warning signs and labels shall be permitted.
 - d. All units and unit installation shall be in accordance with all applicable state construction and electric codes, as well as the National Electric Code. All wiring must be concealed, under roof lines, below the roof deck structure or underground.
 - e. Noise energy levels shall not exceed 55 decibels at a common property line. These levels may be exceeded during short-term events such as utility outages and severe windstorms.

B. Additional Requirements:

- [1] All electrical and structural design criteria shall meet the requirements of the State Uniform Construction Code. All ground-mounted wind energy systems shall not be artificially lighted except to the extent required by the FAA or other applicable authority.
- [2] Wind turbines contained in the wind energy system shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower structure.
- [3] All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- [4] The applicant shall provide proof that it has met any and all New Jersey Board of Public Utility guidelines in connection with wind energy systems.
- [5] Electromagnetic interference (EMI). Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause any harmful interference with radio, television broadcasting or reception, telephone and/or wireless telecommunications and shall comply with the provisions of the Code of Federal Regulations and subsequent revisions governing said emissions..

C. Submittal Requirements:

1. All applications to the Zoning Office for a Wind Energy System, must be accompanied by a plot plan which includes the following:
 - a. Current property survey or equivalent, prepared by a licensed professional surveyor in the state of New Jersey.
 - b. Location of all structures on the property.
 - c. Location of the proposed wind turbine tower or support pole.
 - d. Right-of-way line and location of utility lines.
 - e. Wind system specifications and design calculations for turbine, pole, foundation, roof mounting, etc.
 - f. Proposed colors of the wind energy system.

35.33A.3 Solar Energy Systems

- A. The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures and screening, that will blend the facility into the natural setting and existing environment
- B. To the extent possible, design of the Solar Energy System shall take into consideration potential glare and heat on neighboring properties.
- C. Invertor Noise shall not exceed 55 decibels at the property line.

- D. Structurally attached solar energy systems installed on a building with a sloped roof shall not project vertically above the peak of the roof.
- E. Roof mounted solar energy systems shall be permitted on flat roof buildings. Solar panels mounted to the roof of garages and accessory structures will also be permitted.
- F. Structurally attached solar energy systems installed on a building with a flat roof shall not project vertically more than 5 feet (5') above the roof and shall comply with the height regulations of the zone.
- G. Freestanding or ground mounted solar energy systems shall not be permitted anywhere within the Borough of Pitman.
- H. A three-foot (3') perimeter around roof edges should be maintained, to the extent possible, for fire department access.
- I. All of the rules and regulations of the Borough Shade Tree Commission, if applicable, shall be met regarding the construction of solar energy systems.
- J. Solar energy systems may consist of photovoltaic cells, hot water collector applications and hot air applications.
- K. All units and unit installation shall be in accordance with all applicable state construction and electric codes, as well as the National Electric Code.
- L. All wiring leading to and from the panels shall be installed below the roof structure or shall be installed underground.

35.33A.4 Abandonment and removal of solar and wind energy systems.

- A. Any solar or wind energy system permitted under this Chapter which has been inactive for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- B. This includes all support structures and structural enclosures accessory to the wind or solar energy system shall be completely removed from the property to a place of safe and legal disposal.

35-33A.5 Enforcement

- A. The Pitman Zoning Office shall review for solar & wind compliance. Any deviations shall require a variance and site plan, if necessary, to be submitted to the Combined Planning/Zoning Board.
- B. The Provisions of this Chapter and any action by a Municipal Agency in furtherance of the provisions of this Chapter, including but not limited to the actions of the Combined Planning/Zoning Board, shall be enforced by the Borough's Zoning Officer. In addition to the fines imposed by the Court, the zoning permit, building permit or Certificate of Occupancy, whichever the case may be, may be revoked by the (appropriate) Code Enforcement Officer for any violation of the provisions of this Chapter.
- C. Violations and Penalties. Any person who, or any partnership or corporation which shall violate the provisions of this Chapter shall, upon conviction thereof, be subject to a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days. Each day that a violation is continued shall constitute a separate and distinct offense. Any person who is convicted

of violating a provision of this Chapter within one (1) year of the date of a previous violation, shall be sentence by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter.

- D. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- E. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF PITMAN

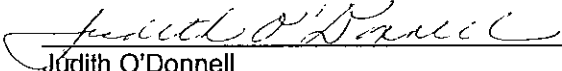
BY: _____
Russell C. Johnson, III, Mayor

ATTEST:


Judith O'Donnell
Borough Clerk/Administrator

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, held on April 13, 2014. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 110 S. Broadway, Pitman, New Jersey 08071, on April 27, 2015 at 8:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 110 S. Broadway, in the Borough, to the members of the general public who shall request the same.



Judith O'Donnell
Borough Clerk/Administrator