


ORDINANCE 2013-06

NOTICE OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was introduced and passed on first reading by the Mayor and Council of the Borough of Califon, County of Hunterdon, State of New Jersey, at a meeting held on August 19, 2013. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be further considered for final passage at a public hearing to be held on September 16, 2013 at 8:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at Borough Hall, 39 Academy St., Califon, N.J. 07830, at which time all persons interested shall be given an opportunity to be heard concerning the Ordinance. The opportunity to be heard shall include the right to ask pertinent questions concerning the Ordinance by any resident of the Municipality or any other person affected by the Ordinance. The said Ordinance is on file and may be inspected at the office of the Municipal Clerk during regular business hours and copies of the Ordinance shall be made available to members of the general public of the municipality who shall request such copies.

ORDINANCE 2013-06

**AN ORDINANCE OF THE BOROUGH OF CALIFON, HUNTERDON COUNTY,
NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING THE LAND
DEVELOPMENT REGULATIONS OF THE CODE OF THE BOROUGH OF
CALIFON TO PERMIT AND REGULATE ALTERNATE ENERGY FACILITIES**


Laura G. Eliasvaag, RMC
Municipal Clerk/Administrator

ORDINANCE NO. 2013-06

**ORDINANCE OF THE BOROUGH OF CALIFON, HUNTERDON
COUNTY, NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING THE LAND
DEVELOPMENT REGULATIONS OF THE CODE OF THE BOROUGH OF CALIFON TO PERMIT AND
REGULATE ALTERNATE ENERGY FACILITIES**

WHEREAS, the Borough of Califon recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy; and

WHEREAS, the use of renewable energy is one way for a property to reduce its impact on the environment, and solar and wind energy are both abundant, non-polluting and renewable resources; and

WHEREAS, New Jersey's Renewable Portfolio Standards (RPS) require each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, beginning at 3.5 percent in 2004 and increasing to 22.5 percent by 2021; and

WHEREAS, the Borough of Califon acknowledges that the existing Land Development Ordinance does not address the issue of wind and solar energy facilities on residential and commercial properties; and

WHEREAS, the Borough of Califon has determined that there exists a need to permit the use of wind and solar energy facilities and/or structures while regulating their placement and installation so as to meet State and local land use goals and objectives to promote public safety, protect natural resources, including farmland, and preserve the historic character of the Borough of Califon;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Califon, in the County of Hunterdon, New Jersey, that Title 16, "Land Development" of the Code of the Borough of Califon shall hereby be amended, revised and supplemented as follows:

SECTION ONE

Add the following definitions to Section 16.04.040:

MET (METEOROLOGICAL) TOWER – means a meteorological tower erected for the purpose of gathering atmospheric information, such as wind speeds and directions, that may be used to determine the appropriateness of a site for a wind tower.

SMALL WIND ENERGY SYSTEM - means a wind energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity from wind energy by means of a rotor that converts wind energy into electrical power for the primary purpose of meeting all or a part of a dwelling's energy requirements and a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119).

As used in these regulations, the primary application of a wind energy system is the conversion of wind by a machine with turbine apparatus (includes base, rotor blades, nacelle, tower, inverter, batteries or other component used in the system) capable of producing electricity by converting the kinetic energy of wind into electrical energy.

SOLAR ENERGY FACILITY - means the equipment and/or structure(s) that produce energy from solar or photovoltaic technologies, whether such equipment and/or structure(s) are the principal use, a part of the principal use, or an accessory use of the land.

SYSTEM HEIGHT – means the vertical distance above grade of a wind tower plus the wind generator attached to it, measured vertically from the ground to the tip of a wind generator blade when the tip is at its highest point.

WIND TOWER - means a monopole, freestanding, or guyed structure that supports a wind generator.

WIND GENERATOR - means the equipment, including the rotor, blades and associated mechanical and electrical conversion components, that converts energy from wind into electricity and that is usually mounted on top of a tower.

SECTION TWO

Add a new Section 16.12.121 to Chapter 16.12, as follows:

16.12.121 Small Wind Energy System Requirements.

Small wind energy systems, facilities and structures shall be permitted as an additional accessory use to all permitted residential and non-residential uses in the Borough of Califon. Such installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards:

A. All applications for small wind energy systems shall require minor site plan approval. The application for minor site plan approval shall include, in addition to other required site plan checklist items, the following additional information:

1. The locations of any overhead utility wires and/or easements on the property; and

2. Proposed small wind energy system specifications, including manufacturer and model, rotor diameter, system height, tower height and tower type (freestanding or guyed).

B. The setback of the small wind energy system from any lot line shall be sufficient that if the tower should fall, the entire system will collapse entirely within the lot on which it is located.

C. Guywires shall be protected from ground level up to 8 feet with yellow markings as per UCC.

D. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The wind tower shall be designed and installed so that the first eight (8) feet above the ground has no step bolts, no ladder, and no other means for climbing the tower.

E. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

F. All wind energy systems must be maintained to the manufacturer's specifications to ensure strict integrity through the duration of its usage. (Refer to Section J. for Abandonment requirements).

G. There shall be no signs posted on a small wind energy system or on any associated building or equipment that will be visible from any public road except for the manufacturer's or installer's identification, appropriate warning signs, and owner identification. This provision is not intended to preclude permitted signage associated with another permitted use on the same site in compliance with the provisions of this Ordinance.

H. There shall be provided a means of disconnecting electrical service from the small wind energy system to the dwelling or business located on the lot, which means of disconnection shall be located out of doors, between the small wind energy system and the building, and shall be accessible to emergency personnel.

I. For wind speeds in the range of zero (0) mph to twenty-five (25) mph, the noise level generated by any small wind energy system, measured at the nearest property line, shall not exceed 55 dB(A) at night nor 65 dB(A) during the day, per applicable noise regulations.

J. Abandonment. A small wind energy system that has been out of service for a continuous twelve (12) month period shall be deemed to have been abandoned and shall be completely removed from the premises within three (3) months of such abandonment; areas of the site from which the small wind energy system has been removed shall be restored to a pre-

installation state. The landowner of the lot occupied by the small wind energy system shall be responsible for such removal.

1. The Zoning Officer shall, if necessary, issue a Notice of Abandonment to the landowner of the lot on which the small wind energy system is located stating that the system has been deemed to have been abandoned. The Notice shall be sent return receipt requested.

2. The landowner shall have the right to respond to the Notice of Abandonment within 30 days of receipt.

3. If the landowner provides information to the Zoning Officer within the requisite 30-day response period that demonstrates that the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.

4. If the Zoning Officer determines that the small wind energy system has been abandoned, the landowner of the lot on which the small wind energy system is located shall remove the wind generator and the wind tower and all other equipment associated with the small wind energy system at the landowner's sole expense within three (3) months after receipt of the Notice of Abandonment, and the area of the site that contained such equipment shall be restored to a pre-installation state.

5. If the landowner fails to remove the small wind energy equipment in the time allowed under paragraph 4. above, the municipality may pursue legal action to have such equipment removed at the landowner's expense.

SECTION THREE

Add a new Section 16.12.122 to Chapter 16.12, as follows:

16.12.122 Solar Energy Facilities Requirements.

Solar energy facilities shall be permitted as an additional accessory use to all permitted residential and non-residential uses in the Borough of Califon.

- A. Site plan approval shall not be required for solar energy facilities that are accessory to a residential use, provided all requirements of this Section are met. A Zoning Permit shall be obtained and compliance with all requirements of the Uniform Construction Code shall also be required.
- B. Solar energy facilities shall be permitted to be mounted on the roofs of buildings.
- C. Ground mounted solar energy facilities shall only be permitted in the rear yard provided they comply with all required setbacks for an accessory structure in the zone. The maximum height of a ground mounted solar energy facility shall be 16 feet.
- D. All ground areas occupied by a solar energy facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization. Impervious surface calculations shall not include the vegetated areas underneath the equipment, except in cases where solar panels are installed in an area already calculated as impervious (prior to installation).
- E. In order to provide notice to emergency services personnel, buildings with solar energy facilities shall have posted on the electrical meter panel a permanent reflective sign indicating that an alternative power supply is located on the property. The sign and its location shall be inspected and approved by the Construction Code Official.
- F. The sound level for the solar energy inverters shall not exceed 50 dBA at the nearest property line, and shall be placed within a structure, wherever possible.
- G. All solar energy systems must be maintained to the manufacturer's specifications to ensure strict integrity through the duration of its usage. (Refer to Section H. for Abandonment requirements).
- H. Abandonment. A solar energy system that has been out of service for a continuous twelve (12) month period shall be deemed to have been abandoned and shall be completely removed from the premises within three (3) months of such abandonment; areas of the site from which the solar energy system has been removed shall be restored to a pre-

installation state. The landowner of the lot occupied by the solar energy system shall be responsible for such removal.

1. The Zoning Officer shall, if necessary, issue a Notice of Abandonment to the landowner of the lot on which the solar energy system is located stating that the system has been deemed to have been abandoned. The Notice shall be sent return receipt requested.

2. The landowner shall have the right to respond to the Notice of Abandonment within 30 days of receipt.

3. If the landowner provides information to the Zoning Officer within the requisite 30-day response period that demonstrates that the solar energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the landowner that the Notice has been withdrawn.

4. If the Zoning Officer determines that the solar energy system has been abandoned, the landowner of the lot on which the solar energy system is located shall remove the solar panels and all other equipment associated with the solar energy system at the landowner's sole expense within three (3) months after receipt of the Notice of Abandonment, and the area of the site that contained such equipment shall be restored to a pre-installation state.

5. If the landowner fails to remove the solar energy equipment in the time allowed under paragraph 4. above, the municipality may pursue legal action to have such equipment removed at the landowner's expense.

SECTION FOUR

Add to Section 16.12.010 a new Paragraph O., as follows:

O. Outdoor Wood-Burning Furnaces/Boilers. Outdoor wood-burning furnaces/boilers shall not be permitted in any zone in the Borough of Califon.

SECTION FIVE

Add a new Section 16.20.090 to Chapter 16.20, as follows:

16.20.090 Requirements for the Issuance of a Zoning Permit.

A. Wherever a Zoning Permit is required to be obtained, it shall be obtained from the Borough Zoning Officer prior to the issuance of any applicable Construction Permit(s). The Zoning Permit shall confirm that all applicable requirements of the Land Development Ordinance will be met. A Zoning Permit does not require site plan approval.

B. An application for a Zoning Permit shall include, as a minimum, a survey plan of the affected property showing all of the following information, which survey plan shall accompany a completed Zoning Permit application form:

1. All property lines and physical dimensions of the property;
 2. The locations and dimensions of all existing structures on the property;
- and
3. The proposed location(s) and dimensions of the installations or structures requiring a Zoning Permit.

SECTION SIX

Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION SEVEN

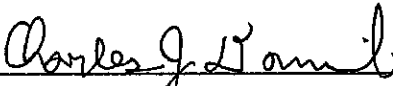
Numbering of Sections. The Sections of this Ordinance may be renumbered for codification purposes.

SECTION EIGHT

Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

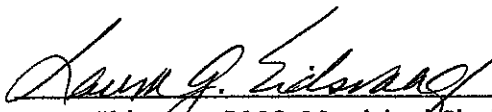
SECTION NINE

Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.



Charles Daniel, Mayor

Attest:



Laura Eidsvaag, RMC, Municipal Clerk

First Reading: August 19, 2013
Publication: September 4, 2013
Public hearing/
Final Adoption: September 16, 2013
Published by Title: October 2, 2013

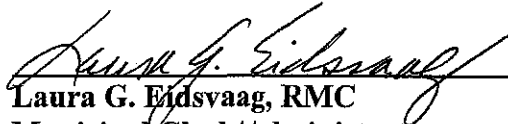
BOROUGH OF CALIFON

NOTICE OF FINAL PASSAGE OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted and passed on final reading at a meeting of the Mayor and Council of the Borough of Califon on September 16, 2013 at Borough Hall, 39 Academy St., Califon, N.J. 07830. Said Ordinance may be inspected at the office of the Municipal Clerk of the Borough of Califon during regular business hours.

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AN ORDINANCE OF THE BOROUGH OF CALIFON, HUNTERDON COUNTY, NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE BOROUGH OF CALIFON TO PERMIT AND REGULATE ALTERNATE ENERGY FACILITIES

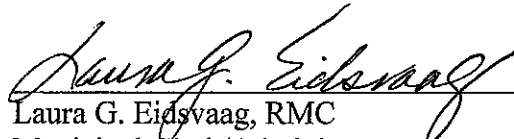

Laura G. Eidsvaag, RMC
Municipal Clerk/Administrator

ORDINANCE 2013-06

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of **Ordinance 2013-06** entitled: **AN ORDINANCE OF THE BOROUGH OF CALIFON, HUNTERDON COUNTY, NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE BOROUGH OF CALIFON TO PERMIT AND REGULATE ALTERNATE ENERGY FACILITIES**, adopted by the Mayor and Council of the Borough of Califon at a regular meeting held on September 16, 2013.

(SEAL)



Laura G. Eidsvaag, RMC
Municipal Clerk/Administrator