Beachwood Township Wind Ordinance
Adopted September 17, 2008
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ORDINANCE

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING GENERAL PROVISIONS FOR SMALL MUNICIPAL WIND ENERGY SYSTEMS WITHIN THE BOROUGH

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey, as follows:

SECTION 1. Purpose. The purpose of the within Ordinance is to promote the safe, effective and efficient use of small Municipal Wind Energy Systems to reduce the onsite consumption of utilities supplied electricity within the Borough.

SECTION 2. Findings. The Governing Body of the Borough of Beachwood finds that:

a. Wind energy is an abundant, renewable, and nonpolluting energy resource;

b. Converting wind to electricity will reduce our dependence on nonrenewable energy resources, and decrease the air and water pollution that results from the use of conventional energy sources;

c. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio; and

d. Small wind energy systems make the electricity supply market more competitive by promoting customer choice.

e. New Jersey's Renewable Portfolio Standards (RPS) requires 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.

f. That the Borough wishes to establish initial standards for Small Municipal Wind Energy Systems so that this clean renewable energy resource can be utilized in a cost effective and timely manner for Beachwood.

SECTION 3. Title. This Ordinance shall be known as the Small Municipal Wind Energy System Ordinance. It shall facilitate the permitting of small wind energy systems for Municipal use and help protect and preserve the public health and safety of the residents of the Borough of Beachwood.

SECTION 4. Definition. As set forth in this Ordinance the following definitions shall apply:

a. Governing Body shall mean the Beachwood Mayor and Borough Council.

b. Meteorological tower means a structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind director vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

c. Owner shall mean the Borough of Beachwood that intends to own and operate the small wind energy system in accordance with this Ordinance.

d. Rotor diameter means the cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

e. Small wind energy system means a wind energy system, as defined in this section, that:

i. is used to generate electricity;

ii. has a nameplate capacity of 100 kilowatts or less; and

iii. is as high as necessary to capture the wind energy resource at 145' for Municipal use.

e. Total height means, in relation to a wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.

f. Tower/lattice structure means a monopole, freestanding, or guyed structure that supports a wind generator.

g. Wind energy system means a wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

h. Wind generator 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.

SECTION 5. **GENERAL STANDARDS**. A small Municipal wind energy system shall be a permitted use in all zones subject to the following requirements:

1. **Setbacks**. A wind tower for a small wind energy system shall be set back a distance equal to the Borough's building setback requirements. No portion of the wind generator shall extend beyond the setback line, nor into the following:

a. any public road right of way, unless written permission is granted by the government entity with jurisdiction over the road right of way;

b. any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.

2. **Access.**

a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

b. The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.

3. **Lighting**. A small wind energy system shall not be artificially lighted unless such light is required by the Federal Aviation Administration.

4. **Appearance, Color, and Finish**. The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color of finish is approved in the zoning approval.

5. **Signs**. There may be a sign that is visible from a public road posted on a small wind generator system or associated building including appropriate warning signs or Municipal identification.

6. **Utility Notification and Interconnection**. Small wind energy systems that connect to the electric utility shall comply with the New Jersey's net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9.

7. **Met Towers**. A met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.

SECTION 6. **Courtesy Review**. The Borough shall submit to the Borough Planning Board for a courtesy review a plot plan showing:

a. Property lines and physical dimensions of the property;

b. Location, dimensions, and types of existing major structures on the property;

c. Location of the proposed small wind energy system tower;

d. The right-of-way of any public road that is contiguous with the property;

e. Any overhead utility lines;

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

The Borough shall additionally forward copies of it's plot plan for educational purposes to the Beachwood Elementary School and the Toms River Regional Middle School South.

SECTION 7. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 8. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the day of , 2008 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the day of , 2008 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same will be given an opportunity to be so heard.

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ELIZABETH A. MASTROPA, Clerk