

§ [267-27C\(9\)](#) of the Harford County Code, as amended.
[Added by Bill No. 09-19]

(9) Small wind energy systems. In order to properly integrate all regulating provisions affecting small wind energy systems, as defined in § [267-4](#), and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that small wind energy systems are subject to the regulations as set forth herein. The purpose of this subsection is to oversee the permitting of small wind energy systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system. These provisions shall apply to all small wind energy systems located in Harford County.

[Added by Bill No. 09-19]

(a) Standards. A small wind energy system shall be an accessory use in all zoning districts subject to the following requirements:

[1] Setbacks. A wind tower for a small wind energy system shall be set back a distance equal to its total height plus an additional 40 feet from:

- [a] Any state or County right-of-way or the nearest edge of a state or County roadway, whichever is closer;
- [b] Any duly recorded right-of-way, utility or stormwater management easement;
- [c] Any overhead utility lines;
- [d] All property lines; and
- [e] Any existing guy wire, anchor or small wind energy tower on the property.

[2] Access.

- [a] All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- [b] The wind tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

[3] Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box and the grounding wires shall be located underground.

[4] Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes and shall be reasonably shielded from abutting properties.

[5] Appearance, color and finish. The wind generator and wind tower shall remain painted or finished the color grey.

[6] Signs. The only signage permitted on any small wind energy system shall be a single sign no larger than 6 square feet affixed to the equipment building or fence enclosure that states "Danger — High Voltage — Keep Off" and identifies the system owner and the telephone number for the person to contact in the event of an emergency.

[7] Code compliance. A small wind energy system, including wind tower, shall comply with all applicable construction and electrical codes.

[8] Small wind energy systems shall not be attached to any building, including guy wires.

[9] MET towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.

[10] Total height shall be the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(b) Abandonment.

[1] Every 2 years the owner of a small wind energy system shall submit a letter to the Department stating that the system is in continuous use; and at least 60 calendar days before the letter is due, the Department shall notify the owner of the date by which the letter is due.

[2] A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Director may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of notice. The Director shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

[3] If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the system at the owner's sole expense within 3 months of the date of notice of abandonment. If the owner fails to remove the system, the Director may pursue a legal action to have the system removed at the owner's expense.

[4] The owner shall ensure removal of the system by posting an acceptable monetary guarantee with the County on forms provided by the office of the Director. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director for the removal of the system, plus a 15% contingency.

(c) Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, § 7-207.1, any property owner seeking to construct a small wind energy system shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit, if applicable.

(d) Variances. Variances to the setback requirements in this subsection are not permitted.

(e) Noise. All small wind energy systems shall comply with the state-regulated Noise Ordinance.

(f) Anemometers. If 8 pounds or less, the anemometers are exempt from the provisions of this Subsection [C\(9\)](#).

(g) Maximum number. One small wind energy system shall be allowed on each parcel up to 20 acres; an additional system shall be allowed on every 20 acres thereafter up to a maximum of 5 small wind energy systems per parcel.

(h) Rated nameplate capacity. A small wind energy system that has a rated nameplate capacity of 2.5 kilowatts or less shall comply only with Subsections [C\(9\)\(A\)\[1\]](#), [\(9\)\(B\)\[1\]](#), [\(9\)\(B\)\[2\]](#) and [\(9\)\(B\)\[3\]](#).