**SOMERSET COUNTY ZONING ORDINANCE**

**Permitted Use Regulation of Small Wind Energy Systems**

**Residential Use.**

**Section 1: Purpose and Applicability**: In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined herein, 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 Section is to regulate 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 Small Wind Energy Systems. These provisions apply in Somerset County.

**Section 2: Findings:** Somerset County finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. 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. Small Wind Energy Systems also make the electricity supply market more competitive by promoting customer choice.

**Section 3: Definitions:**

**Off Grid System:** A Small Wind Energy System that is not connected to the main power grid with the capability of transporting energy back to a commercial power provider.

**Small Wind Energy System:** A single towered wind energy conversion system that is used to generate electricity and which has a total height of 160 feet or less. The equipment includes, but is not limited to, any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire or other component used in the system.

**Wind Energy System Owner:** The individual or ownership entity that owns, or intends to own, the real property upon which a Small Wind Energy System will be operated in accordance with this Section.

**Wind Generator:** The blades and associated mechanical and electrical conversion components.

**Wind Tower:** The monopole, freestanding, or guyed structure that supports a wind generator.

**Section 4: Permitted Use:** Small Wind Energy Systems shall be a permitted accessory use in R-1, R-2, R-3, MRC and AR zoning districts subject to the following requirements:

**A. Setbacks -** A wind tower for a Small Wind Energy System shall be at least a distance equal to its total height plus an additional 20 feet from:

1. Any public or private road right-of-way;
2. Any overhead utility lines;
3. All property lines; and
4. Any existing guy wire or anchor on the property.

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

**C. 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.

**D. 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 a Small Wind Energy System, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from adjoining properties.

**E. Appearance -** The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

**F. Signs -** All signs, other than the manufacture's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.

**G. Noise –** A Small Wind Energy System shall not exceed 60 dBA, as measured at the closest habitable dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

**H. Approval and Certification -** A Small Wind Energy System must be approved under a small wind certification program recognized by the American Wind Energy Association before issuance of a Building Permit.

**I. Application** - A Zoning Application for a Building Permit to erect a Small Wind Energy System shall be accompanied by a site plan and engineered drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the International Building Codes and certified as structurally safe by a licensed professional engineer shall also be submitted. An application must be accompanied by a "line drawing" of the electrical components in sufficient

detail to allow for a determination that the manner of installation conforms to the National Electrical Code. A Small Wind Energy System shall comply with all applicable codes including all applicable regulations of the Federal Aviation Administration (FAA).

**J. Notifications -** No Small Wind Energy System shall be installed until evidence has been provided to the Department of Technical and Community Services (DTCS) that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. In accordance with Section 7-207.1 of the Public Utility Companies Article of the Annotated Code of Maryland, any property owner seeking to construct a Small Wind Energy System and connect such system to the main power grid with the capability of transporting energy back to their main power provider shall apply to the Public Service Commission (PSC) for approval and provide written evidence of such approval to DTCS prior to construction and the issuance of a Zoning Certificate and Building Permit.

**K. Abandonment and Removal -** A Small Wind Energy System that is out of service for a continuous 6-month period will be deemed to have been abandoned. The Zoning Inspector may issue a Notice of Abandonment and Removal to the Owner of a Small Wind Energy System that is deemed to have been abandoned. The Owner within 30 days of the issuance of the above Notice may dispute the Notice of Abandonment and Removal in writing setting forth the reasons for any operational difficulty and providing a reasonable time for corrective action. The Zoning Inspector shall withdraw the Notice of Abandonment and Removal and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Zoning Inspector that the Small Wind Energy System has not been abandoned. A Small Wind Energy System that has been abandoned shall be removed within 60 days of the issuance of the Notice of Abandonment and Removal. If the Owner fails to remove the Small Wind Energy System from the site, DTCS may remove the same and assess the costs to the landowner on the real property taxes for that parcel.

**L. Miscellaneous:**

a. A Small Wind Energy System including its guy wires may not be attached to any building.
b. Meteorological Towers used to gather wind data for site selection and evaluation may be permitted under the same standards, distances conditions, restrictions, permitting requirements and procedures as a Small Wind Energy System.

**N. Violations -** It is unlawful for any person, property owner or their assigns to construct, install or operate a Small Wind Energy System or to direct another

to do so that is not in compliance with this section or with any condition or restriction contained in a Building Permit or Zoning Certificate issued pursuant to this Ordinance.