

ORDINANCE NO. 08-02

AN ORDINANCE ADOPTING AMENDMENTS TO THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF CARROLL COUNTY, MARYLAND

WHEREAS, The Board of Commissioners of Carroll County, Maryland, has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland";

WHEREAS, the Board is charged under State law with the duty and responsibility for the comprehensive, coordinated, orderly growth, development and use of land and structures through implementation of planning, zoning and subdivision controls, plans, policies and programs to promote the health, safety, morals and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities;

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

Section 1. Code of Public Local Laws and Ordinances of Carroll County, Chapter 223, Zoning, Article 1, Section 223-2, the following definitions are added:

§223-2. Definitions.

METEOROLOGICAL TOWER (Met Tower) – Defined to include the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction 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.

ROTOR DIAMETER – Means the cross sectional dimension of the circle swept by the rotating blades.

SMALL WIND ENERGY SYSTEM – Means a single-towered wind energy system that:

- A. Is used to generate electricity;
- B. Has a rated nameplate capacity of 50 kilowatts or less; and
- C. Has a total height of 150 feet or less.

TOTAL HEIGHT – Means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

WIND ENERGY SYSTEM – Means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes 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 – Shall mean the individual that owns, or intends to own, the property upon which he/she will operate a Small Wind Energy System will be operated in accordance with this Chapter.

WIND GENERATOR – Means blades and associated mechanical and electrical conversion components mounted on top of the tower.

WIND TOWER – Means the monopole, freestanding, or guyed structure that supports a wind generator.

Section 2. Code of Public Local Laws and Ordinances of Carroll County, Chapter 223, Zoning, Article XXXII, is added as follows:

ARTICLE XXXII, Small Wind Energy Systems.

§ 223-214. Applicability.

In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined in § 223-2, 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 Article 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 Carroll County.

§ 223-215. Standards.

A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:

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

- (1) any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
- (2) any right of ingress or egress on the owner's property;
- (3) any overhead utility lines;
- (4) all property lines; and
- (5) any existing guy wire, anchor or small wind energy tower on the property.

B. Access.

- (1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (2) The 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.

- 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 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.
- E. Appearance, color, and finish. 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 manufacturer'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. Code Compliance. A Small Wind Energy System including wind tower shall comply with all applicable construction and electrical codes.
- H. Utility notification and interconnection. Small Wind Energy Systems that connect to the electric utility shall comply with the Public Service Commission regulations.
- I. Small Wind Energy Systems shall not be attached to any building, including guy wires.
- J. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.
- K. Each property is eligible for two Small Wind Energy Systems only.

§ 223-216. Abandonment.

- A. A Small Wind Energy System that is out-of-service for a continuous ⁶~~12~~-month period will be deemed to have been abandoned. The Zoning Administrator 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 the Notice. The Administrator 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.
- B. If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the wind generator from the wind tower at the Owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the wind generator from the wind tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

§ 223-217. Public Service Commission.

In accordance with the Maryland Annotated Code, Public Utilities Companies, Section 7-207.1, 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 company 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.

§ 223-218. Variances.

Variances to the distances restrictions, and standards contained in this Article are not permitted.

§ 223-219. Noise.

All Small Wind Energy Systems shall comply with the limitations contained in the Code of Public Local Laws and Ordinances, Chapter 146, Noise.

§ 223-220. Violations.

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this Chapter or with any condition contained in a building permit issued pursuant to this Chapter.

ARTICLE II. SEVERABILITY.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not effect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

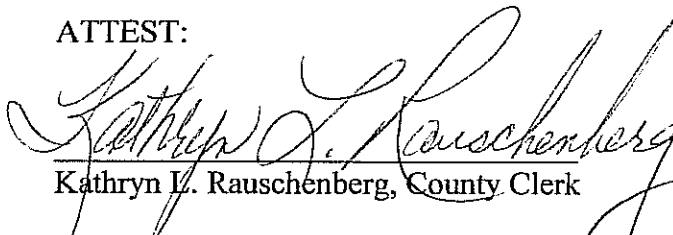
ARTICLE III. EFFECTIVE DATE.

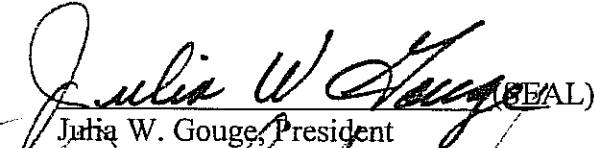
This Ordinance shall become effective on May 14, 2008.

ADOPTED this 6th day of May, 2008.

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:



Kathryn L. Rauschenberg, County Clerk

 (SEAL)
Julia W. Gouge, President

 (SEAL)
Dean L. Minnich, Vice President

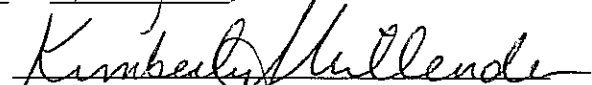
 (SEAL)
Michael D. Zimmer, Secretary

Approved for legal sufficiency:


Kimberly A. Milender, County Attorney

Notice of Public Hearing published: April 2, 6, 9, 2008
Public Hearing held: April 17, 2008
Public Meeting to adopt Ordinance: May 6, 2008
Notice of Adoption of Ordinance published: May 14, 2008
Ordinance filed with Clerk of Court: May 14, 2008

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the 14th of May, 2008,


Kimberly A. Milender, County Attorney