

TOWN OF STAMFORD

LOCAL LAW NO. 2-2006

A LOCAL LAW TO REGULATE SMALL WIND TURBINES

1. PURPOSE:

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied energy.

2. AUTHORITY:

This regulation authorizes the Town of Stamford Planning Board, the local agency to provide, by Local Law, for the installation of small wind energy systems, as specified, and to issue a permit for this purpose. This regulation authorizes the local agency through the Town Planning Board to permit installation of these systems, as specified. No other local Local Law, Policy or Regulation shall be the basis to deny the siting and operation of a small wind energy system.

3. FINDINGS:

The Town of Stamford finds that wind energy is an abundant, renewable and nonpollution energy resource and that its conversion 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. 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 of New York's energy supply portfolio. Small wind systems also make the electricity supply market more competitive by promoting customer choice.

4. SPECIFIC – DEFINITIONS:

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 KW and which is intended to primarily reduce on-site consumption of utility power.

Turbine: The parts of wind system including the blades, generator and tail.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

5. PERMITTED USE:

This regulation requires the Town Planning Board to approve an application for a small wind energy system by right if the criteria below are met and authorizes the local agency to charge a fee of not more than fifty dollars (\$50.00) per small wind energy system. If any portion of the proposed small wind system does not meet the requirements set under this regulation, a waiver from the Town Planning Board will be required.

Small Wind Energy systems shall be a permitted use where structures of any type are allowed, subject to the following requirements:

- A. Notice of an application for installation of a small wind energy system shall be provided to property owners within 200 feet of the property on which the system is to be located.
- B. Tower heights of not more than 120 feet shall be allowed.
- C. Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wires, may extend closer than forty feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six feet above the guy wire anchors.
- D. Building permit applications for small wind energy systems shall 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.
- E. Decibel levels for the system shall not exceed 60 decibels measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.
- F. The application shall include standard drawings and an engineering analysis of the system's tower and certification by a professional mechanical, structural, or civil engineer. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.
- G. The system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
- H. No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt of this requirement.

6. PUBLIC HEARING:

If the proposed small wind energy system meets the above criteria, this regulation requires the local agency to approve an application for the small wind energy system by

right and no public hearing will be required. For those proposed small wind energy systems that do not meet the above criteria a waiver will be required and a public hearing may be necessary.

7. PENALTIES FOR OFFENSES:

- A. It shall be unlawful for any person, firm or corporation to install, alter, repair, move equip, use or maintain any wind turbine or related equipment in violation of any of the provisions of this local law, or to fail in any manner to comply with a notice, directive or order of the Town of Stamford Building Code Enforcement Officer.
- B. Any person who shall fail to comply with a written order of the Town of Stamford Building Code Enforcement Officer within the time fixed for compliance therewith; and any owner, builder architect, tenant, contractor, subcontractor, construction superintendent or their agents or any person taking part or assisting in the installation, alteration, repair, equipping, use or maintenance of any wind turbine or related equipment in violation of any of the applicable provisions of this local law or any lawful order, notice directive, permit or certificate of the Town of Stamford Building Code Enforcement Officer made hereunder shall commit a violation of this local law. Under the authority of Town Law subsection 135, any person, firm or corporation violating any of the provisions of this local law shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250.00 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

8. EFFECTIVE DATE:

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.