

**ORDINANCE NO. 13-12 AN ORDINANCE TO AMEND CHAPTER 207, ZONING, OF
THE CODE OF THE BOROUGH OF KINNELON**

WHEREAS, the Borough Council of the Borough of Kinnelon (“Borough”) has determined that the purpose of this Ordinance is to promote the safe, effective and efficient use of solar panels; and

WHEREAS, the Borough Council of the Borough of Kinnelon has determined that it is necessary to establish requirements for the installation of solar panels and to address other issues related to alternative energy within the Borough of Kinnelon; and

WHEREAS, the Borough Council of the Borough of Kinnelon is authorized to pass this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, a new section, “Alternative Energy”, is hereby added to Chapter 207, Zoning, of the Code of the Borough of Kinnelon as follows:

A. Definitions.

- (i) **Solar energy system** – a solar energy system and all associated equipment which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels.
- (ii) **Solar panels** – a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of solar energy system.
- (iii) **Wind Generator or Wind Turbine** – 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.

B. Purpose.

The purpose of this section is to establish requirements for the installation of solar panels within the Borough of Kinnelon.

C. Permit Requirements.

- (i) Before any solar panel may be installed, plans for such installation shall be submitted to the Kinnelon Building Department and Kinnelon Fire Department officials. No solar panel shall be installed without a permit issued by the Borough.
- (ii) The design of the solar panel system shall conform to all applicable industry standards including the New Jersey Uniform Construction Code, the National Electric Code and the Kinnelon Building Code and Zoning Regulations. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certified organization and any such design shall be certified by an Engineer registered in the State of New Jersey. The manufacturer specifications shall be submitted as part of the application.

D. Installation Requirements.

- (i) Solar panels shall be permitted as a rooftop installation only in any zoning district. A roof-mounted system may be mounted on a principal building or accessory building. Ground mounted solar systems or arrays shall not be permitted except on Borough owned property.
- (ii) Roof-mounted solar panels shall be mounted parallel to the roof angle and shall not exceed a height of 12 inches above the rooftop.
- (iii) A roof-mounted solar panel that is mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed 5 feet above the roof. No such mounted solar panel shall exceed the maximum permitted height of the structure.
- (iv) All roof-mounted panels shall be installed at least 3 feet from the roof edges.
- (v) Roof-mounted solar panels shall not be permitted on the front roof of a structure which faces a street. This requirement shall also apply to the side street of a corner lot. Solar panels shall be located on a rear-or-side-facing roof, as viewed from any adjacent street. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation. All solar energy systems shall comply with the following conditions:
 - a. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties, businesses, residential homes or roadways.

- b. All exterior electrical lines must be painted a color scheme that matches as closely as reasonable possible the color of the structure and adjacent materials.
- c. An external disconnect switch, which is clearly identified and unobstructed, shall be provided.
- d. Signage identifying the use of solar panels shall be posted at an easily visible location. The signage shall clearly state the name, address and telephone number of the vendor authorized to deactivate the solar panel system in the case of an emergency.
- e. In addition to the required signage, property owners shall provide the Borough Fire Official with a map illustrating the location of the disconnect switch, as well as any information regarding the vendor authorized to deactivate the solar panel.
- f. Marking is required on all interior and exterior direct conduit, raceway, enclosures, cable assemblies and junction boxes to alert the Fire Service to avoid cutting them.

E. Wind Generators or Wind Turbines Prohibited.

Wind generators, wind turbines, and similar devices shall be prohibited in any zone of the municipality except on Borough owned property.


SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

INCONSISTENT ORDINANCES. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:

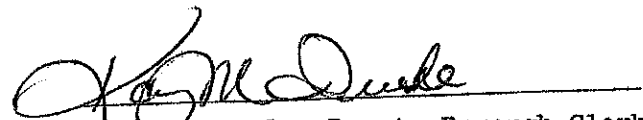
BOROUGH OF KINNELON


Karen M. Iuele, Deputy Borough Clerk


Robert Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on June 21, 2012 and adopted by the Governing Body at a regular meeting of the Borough held on July 19, 2012.


Karen M. Iuele, Deputy Borough Clerk