

ORDINANCE O-03-2010

MANTUA TOWNSHIP
GLOUCESTER COUNTY

ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE TOWNSHIP OF MANTUA
TO ADD AN ARTICLE XIII ENTITLED "SOLAR ENERGY SYSTEMS"

WHEREAS, the Township Committee of the Township of Mantua ("Township Committee") deems it necessary for the proper governance of the Township and for the good welfare of its citizens to adopt an Ordinance regulating solar energy systems; and

WHEREAS, Chapter 230 of the Code of the Township of Mantua (the "Code") governs land development within the Township; and

WHEREAS, adding an Article XIII to Chapter 230 of the Code is necessary to effect the Township Committee's desire to adopt this Ordinance; and

WHEREAS, the Township Committee is so authorized to amend the Code in this manner pursuant to Code § 1-5.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Mantua, County of Gloucester and State of New Jersey, that the following Ordinance is hereby adopted so as to amend Chapter 230 of the Code of the Township of Mantua to add the following Article XIII entitled "Solar Energy Systems."

ARTICLE XIII
Solar Energy Systems

§ 230-96. Title

This Article may be referred to as the "Solar Energy System Ordinance."

§ 230-97. Authority.

This Article is adopted pursuant to the Township of Mantua's authority to adopt such ordinances under *N.J.S.A. 40:42-1 et seq.*, *40:49-1 et seq.*, *40:55D-1, et seq.* and Code § 1-5.

§ 230-98. Purpose; requirements; applicability.

- A. The primary purpose of a solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes for resale.

- B. Solar energy systems shall only be permitted as an accessory use on the same lot as the principal use. All solar energy systems require approval from the Zoning Officer and the local Construction Office and/or Official prior to installation. Applications for an energy system shall include information demonstrating compliance with the provisions of this article. In the event that the Zoning Officer or Construction Office does not believe the provisions of this article will be satisfied, an applicant may request and/or file a variance application pursuant to Articles I through XII of Chapter 230 of the Code, as amended, as applicable.
- C. Applicability of Article. This Article shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system and/or property situated with the solar energy systems. Said approval shall cover the location of the system as shown on the plan submitted as part of the application for approval. For systems intended for uses other than the ones stated, the Township's Planning Board or Zoning Board approvals shall be required. Any solar energy system's installation not meeting the requirements or contents of this Article shall submit a variance plan to the applicable Planning or Zoning Board for consideration.

§ 230-99. Definitions.

As used solely in this Article, the following terms shall have the meanings indicated. These definitions are not intended to alter the meanings of the exact or similar terms as defined in Code § 230-7 nor are they intended to apply to other sections of the Code:

ADMINISTRATOR -- The Township of Mantua Zoning Officer.

APPEARANCE, COLOR, and FINISH -- The solar energy systems and all associated equipment shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved by the Administrator. It is recommended that colors and finishes match the surroundings of the installation, to the extent reasonably possible; however, this specification is not a requirement.

BOARD -- The Township of Mantua Planning Board and/or Zoning Board or other authority having jurisdiction.

NJDCA -- The New Jersey Department of Community Affairs and, by extension, shall include the individual divisions and/or offices within NJDCA.

OWNER -- The individual, entity and/or property owner that intends to own and operate the

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solar energy systems in accordance with this article. Should the property owner be different than the owner or entity who intends to own and operate the solar energy systems, the property owner shall provide written consent and provide same at time of application for approval.

SOLAR ENERGY SYSTEM -- A renewable energy system, as defined in this section, that converts solar energy into a usable electrical energy, heats water or produces hot air or similar function through the use of solar collectors which:

- A. Is used to generate electricity; and
- B. Has a nameplate capacity of 50 kilowatts or less;
- C. Solar panels and/or generator and all associated equipment, including any base, foundation, structural support, wire(s), batteries or other components necessary to fully utilize the solar generator.

TOTAL HEIGHT -- In relation to a solar energy system, the vertical distance from the ground to the maximum height of the apparatus and all associated equipment of the solar energy system at its highest point.

MANTUA TOWNSHIP CONSTRUCTION OFFICE -- The NJDCA-authorized Construction Official, the place of business and as officially designated by the Township of Mantua to review and approve applications under applicable codes of construction under authority of the State of New Jersey. The Mantua Township Construction Office by definition includes its successors and assigns, and/or as designated by Township of Mantua and/or state authority.

§ 230-100. Standards.

A. Solar energy systems.

(1) Rooftop Solar Panel Installations.

- (a) Solar panels shall be permitted as a rooftop installation in any zoning district. The panels may extend a maximum of 6 inches above the roof; further providing, the panels follow the pitch of the roof and do not exceed the maximum permitted height of the prevailing zoning.
- (b) Solar panels installed in a rooftop configuration must be installed on the rear roof area unless the applicant makes a showing to the satisfaction of the Administrator that the rooftop configuration proposed cannot be installed on the rear roof area.

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Upon written endorsement from the Administrator, solar panels may be installed on the front roof area.

- (c) Rooftop installations must not interfere with any operation of plumbing fixtures protruding from the rooftop level as required by the New Jersey Plumbing Codes.

(2) Ground-Mounted Solar Panel Installations.

- (a) Solar panels may be installed on a ground-mounted apparatus only on lots with a minimum lot size of 3 acres and only in the rear yard.
- (b) All ground mounted systems must be setback at least 50 feet from property boundary lines.

(3) Other Solar Panel Installations.

- (a) Any solar panels and/or arrays mounted on a pole, tower and/or ground-mounted apparatus not meeting the requirements of Section 230-100A(2), above, is prohibited under this Article. Such application is required to be reviewed by applicable Planning or Zoning Board(s).

- B. The design of solar energy systems shall, to the extent reasonably possible, including rooftop installations, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- C. Signs. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification in accordance with Subsection E below, appropriate warning signs, or owner identification. Solar energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line.
- D. Utility notifications and interconnection. Solar systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at NJAC 14:4-9.

- (1) Labeling requirements.

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- (a) A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels on the interconnection cabinet of the solar energy system:
- [1] The maximum power output of the system.
 - [2] Nominal voltage and maximum current.
 - [3] Manufacturer's name, address and telephone number, serial number and model number.
 - [4] Emergency and normal shutdown procedures.
- (b) Should the solar energy system interconnection cabinet be located on the inside of a structure, a sign notifying the existence of a solar energy system shall be placed on the outside of the building, near the electrical and/or gas meter in order to notify emergency personnel of the solar energy system.

E. Standards for and regulation of solar energy system.

- (1) Construction. Solar energy system construction shall be in accordance with the appropriate sections of the Basic Building Code as adopted and as currently amended, by the State of New Jersey, and any future amendments and/or revisions to same.
- (2) The installation of a solar energy system shall conform to the National Electric Code as adopted by the NJDCA and/or any other applicable agency with jurisdiction. The installation of a solar energy system is subject to any and all Atlantic City Electric Company requirements for interconnection, its successors and assigns, and/or as designated by state authority, in perpetuity.
- (3) The structural design and fastening details of any solar energy system shall be signed and sealed by a professional engineer, licensed in the State of New Jersey, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of New Jersey and all sections referred to hereinabove.

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- (4) The property owner and/or installer of the solar panel installation must receive approvals from any outside agencies having jurisdiction over the project prior to the installation.

F. Miscellaneous.

- (1) All electric lines/utility wires shall be buried underground, as applicable and by applicable regulation and/or Code. All electric lines/utility wires leading down the side of the structure from rooftop installations shall be placed and tacked as aesthetically as possible.
- (2) When a building or cabinet is necessary for storage cells or related mechanical equipment, it must be documented as to the necessity. The building may not exceed 120 square feet in area nor eight feet in height and must be located at least the number of feet equal to the accessory building setback requirements of the Zoning District from any property line. Any mechanical equipment associated with and necessary for operation, including any building or cabinet for batteries and storage cells, shall be equipped with a lock and posted with a small sign notifying the existence of a solar energy system batteries and storage cells on the outside of the building or cabinet, in order to notify emergency personnel.
- (3) A solar energy system shall not add, contribute to or be calculated to cause an increase in the "building coverage of all buildings" requirement and/or maximum lot impervious surface(s) coverage of any lot, parcel and/or property.
- (4) Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. The approval of any solar energy system granted by the Township of Mantua under this article shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the Township of Mantua or by any other officer or employee thereof for any future claims against said issuance of approval of the solar energy system that result from reliance on this article or any administrative decision lawfully made thereunder.
- (5) Utility company notification. The Atlantic City Electric Company, its successors and assigns, and/or as designated by state authority shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of solar energy conversion systems so as to

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comply with the utility tariff specifications. Copy of said notification shall be submitted at time of application.

§ 230-101. Zoning permit requirements and procedure.

- A. Permit. A zoning and building permit shall be required for the installation of a solar energy system. An owner shall submit an application for a zoning permit to the Administrator. A building permit shall be applied for at the Mantua Township Construction Office, as a separate application.
- B. Documents.
- (1) The zoning and building permit application shall be accompanied by a sketch plan or survey which shall accurately depict the proposed solar energy system and include the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location, dimension (including height) and types of existing major structures on the property;
 - (c) Location, dimension, and type of the proposed energy system;
 - (d) The right-of-way of any public road that is contiguous with the property;
 - (e) Any overhead utility lines;
 - (f) Manufacturer solar energy system specification/cut sheets certified by a licensed New Jersey Engineer, including manufacturer and model;
 - (g) Notification of utility company for interconnection purposes.
 - (h) Locations of landmark and specimen trees.
 - (2) The documents and plans shall contain enough information and accurately depict the installation of the solar energy system for the Township of Mantua to make a formal decision on the application. The amount of information and accuracy of information shall be in the sole judgment of the Administrator and/or Mantua Township Construction Office.

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- C. Fees. The application for a zoning permit for a solar energy system must be accompanied by a fee of \$100.00. Building permit fees shall be set by the Mantua Township Committee.
- D. Expiration. A permit issued pursuant to this article shall expire if:
- (1) The energy system is not installed and functioning within 12 months from the date the permit is issued; or
 - (2) The energy system is out of service or otherwise unused for a continuous twelve-month period.
- E. The Administrator shall issue a zoning permit or deny the application within 10 days of the date on which the application is received pursuant to the New Jersey MLUL.
- F. If the zoning permit application is approved, the Administrator will return one signed copy of the application with the zoning permit and retain the other copy with the application.
- G. If the zoning permit application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to the appropriate appeal authority. The applicant may reapply if the deficiencies specified by the Administrator are resolved. Denials by the Administrator shall be directed to the Zoning Board by variance application consistent with Municipal Land Use Law.
- H. Applications for applicable permits from the Mantua Township Construction Office shall follow the applicable time limits and procedures of the Mantua Township Construction Office.

§ 230-102. Administration and enforcement.

- A. This article shall be administered by the Administrator or other Township of Mantua official as designated.
- B. The Administrator may enter any property for which a permit application has been applied for and/or permit been issued under this article to conduct an inspection to determine whether the conditions stated in the permit have been met.
- C. At the discretion of the Administrator and/or Mantua Township Construction Office for which a zoning, building and/or electrical permit was obtained, as applicable, the Township reserves the

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right to require the applicant to obtain and submit an "as-built" survey upon completion of the solar energy system evidencing the exact location and height of the structures to ensure said installation is made in accordance with the requirements of the Township of Mantua.

- D. The Administrator may issue orders to abate any violation of this article. The Administrator may issue a citation for any violation of this article.
- E. The Administrator may refer any violation of this article to Township of Mantua legal counsel for enforcement.

§ 230-103. Violations and penalties.

- A. It is unlawful for any person to construct, install, or operate a solar energy system that is not in compliance with this article.
- B. Solar energy systems installed prior to the adoption of this article are exempt from the requirements of this article.
- C. Any person who fails to comply with any provision of this article shall be subject to enforcement and penalties as stipulated in this chapter and article.
- D. Nothing in this section shall be construed to prevent the Township Committee and/or administrative officers of the Township of Mantua from using any other lawful means to enforce this article.

§ 230-104. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township Committee of the Township of Mantua which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 230-105. Effective Date.

This Ordinance shall take effect thirty (30) days after final passage by the Township Committee or twenty (20) days after approval by the Mayor, whichever comes first.

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