

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 105

Introduced by Council Members Constantinides, Espinal, Adams, Diaz, Torres, Gjonaj, Chin, Menchaca, Rivera and Kallos.

A LOCAL LAW

To amend the New York city noise control code, the administrative code of the city of New York and the New York city building code, in relation to small wind turbines

Be it enacted by the Council as follows:

Section 1. Subchapter 5 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-232.1 to read as follows:

§ 24-232.1 Small wind turbines. No person shall cause or permit operation of a small wind turbine, as such term is defined in section 3113.2 of the New York city building code, so as to create a sound level in excess of 5 db(A) above the ambient sound level, as measured at the property line or at an elevated receptor of the property containing the nearest occupied building.

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 319 to read as follows:

**ARTICLE 319
MAINTENANCE AND REMOVAL OF SMALL WIND TURBINES**

§ 28-319.1 Maintenance. The owner of a small wind turbine or small wind turbine tower, as such terms are defined in section 3113.2 of the New York city building code, shall maintain such turbine and tower in accordance with department rules.

§ 28-319.2 Removal. The owner of a small wind turbine, as such term is defined in section 3113.2 of the New York city building code, shall remove such turbine when (i) the time elapsed since

installation exceeds the manufacturer's suggested useful life of such turbine or (ii) such turbine has been continuously inoperable for 12 months or more, whichever occurs sooner, provided that the commissioner shall by rule establish a timeframe for removing small wind turbines that do not have manufacturer's suggested useful lives.

§ 3. Chapter 31 of the New York city building code is amended by adding a new section BC 3113 to read as follows:

**SECTION BC 3113
SMALL WIND TURBINES**

3113.1 General. *In addition to other applicable requirements in this code, other law or rule, and established by the commissioner, small wind turbines shall be designed and constructed in accordance with this section.*

3113.2 Definitions. *The following words and terms shall for the purposes of this section have the meanings shown herein.*

SMALL WIND TURBINE. *A turbine with a swept area smaller than 200 m² that generates a voltage below 1000 V (AC) or 1500 V (DC).*

SMALL WIND TURBINE TOWER. *A structure that supports a small wind turbine.*

3113.3 Design standards. *A small wind turbine shall be designed in accordance with standards adopted by rules of the commissioner. Such standards shall include but need not be limited to standards relating to the design of small wind turbines that are developed by the American Wind Energy Association, the New York State Energy Research and Development Authority, the California Energy Commission, the Small Wind Certification Council, the British Wind Energy Association, the International Electrotechnical Commission, the National Renewable Energy Laboratory, or the Underwriters Laboratory.*

3113.4 Wind speed. *A small wind turbine shall be designed to withstand winds of up to and including 130 mph (58.1 m/s) or such higher wind load as may be specified in this code or the design standard for such turbine pursuant to Section 3113.3.*

3113.5 Brakes and locks. *Where deemed necessary by the commissioner, a small wind turbine shall be equipped with a redundant braking system and a passive lock, including aerodynamic overspeed controls and mechanical brakes.*

3113.5.1 Locking before hurricane or strong wind conditions. *If a hurricane or strong wind conditions are expected, the commissioner may order that small turbines equipped with passive locks be stopped and locked.*

3113.6 Visual appearance. *A small wind turbine shall be white, off-white, grey, or another non-obtrusive color specified by the commissioner.*

3113.7 Lighting. *A small wind turbine shall not be artificially lighted.*

Exception: *Lighting that is required by this code or other applicable laws or rules, provided that such lighting is shielded in accordance with rules promulgated by the commissioner.*

3113.8 Access. *Access to a small wind turbine shall be limited as follows:*

- 1. Access to electrical components of a small wind turbine shall be prevented by a lock.*
- 2. A small wind turbine tower shall not be climbable, except by authorized personnel, up to a height of 10 feet (3048 mm) measured from the base of such tower.*

3113.9 Noise. *A small wind turbine shall be designed in accordance with applicable sections of the New York city noise control code.*

3113.10 Shadow flicker. *The commissioner shall by rule establish shadow flicker limitations for small wind turbines for the purpose of limiting, to the extent practicable, such flicker on buildings adjacent to such turbines.*

3113.11 Signal interference. *The commissioner shall establish rules governing small wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines with radio, telephone, television, cellular or other similar signals.*

3113.12 Setback. *No part of a small wind turbine or small wind turbine tower shall be located within a horizontal distance of a property line that is equal or less than one-half the height of such turbine, including such tower, measured from the base of such tower or, if there is no such tower, the base of such turbine.*

Exception: *Turbines or towers for which each owner of property adjacent to such property line has entered into a written agreement providing that such turbine or tower or a part thereof may be located closer to such property line than this section allows.*

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 25, 2018 and returned unsigned by the Mayor on May 29, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 105 of 2018, Council Int. No. 50-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.