

ORDINANCE NO. 2219

**AN ORDINANCE AMENDING ARTICLE XXVII, SECTION 128-114,
MISCELLANEOUS, TO PERMIT AND REGULATE
ELECTRIC SOLAR ENERGY PANELS**

WHEREAS, there is a public need to recognize and regulate electric solar energy systems as an alternate source of energy; and

WHEREAS, in recent years, technology has allowed electric solar energy to become economically feasible; and

WHEREAS, there is a need to recognize, allow and regulate electric solar energy systems as an alternate source of energy; and

WHEREAS, the Mayor and Council deem that allowing, recognizing and regulating electric solar energy systems is in the interest of the public good.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Article XXVII, Section 128-114 of the Borough Code is hereby amended to add the following:

SECTION I. Electric Solar Energy Systems

1. Definitions.

- a. Electrical Solar Energy Systems will be defined as an energy system, which converts solar energy into a usable electrical energy for residential, commercial, industrial, professional and public use.
- b. Electrical Solar panels will be defined as a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy via an electrical solar energy system as defined above.

2. Electrical solar energy systems and electrical solar energy panels shall be permitted in all zones throughout the Borough of Roselle Park on the following conditions:

- a. Roof mounted systems on the principal building shall be no more than six inches higher than the finished roof on which it is mounted and parallel with the roof on which it is mounted. Under no circumstances shall any part of the system extend beyond the edge of the roof.
- b. All solar energy commercial operations are prohibited as a principal use on any site. Electrical solar energy produced on a lot shall be consumed entirely upon that lot by the occupants of the principal structure.

- c. Construction and installation of an electrical solar energy system shall be subject to the Uniform Construction Code.
 - d. All plans for an electrical solar energy system shall be submitted and approved by the Construction Code Official for compliance and structural sufficiency prior to installation.
 - e. All other solar energy panels/systems (including but not limited to hot water systems) are expressly prohibited.
3. Penalties. Any person who violates any provision of this ordinance shall be subject to the following penalties:
- a. First offense – No less than \$100, no more than \$500.00.
 - b. Second and subsequent offense – No less than \$500, no more than \$1000.00.
 - c. Order requiring the removal of the system or structure.

SECTION II. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III - SEVERABILITY

In the event that any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of the section, subsection, paragraph, subdivision or clause of the Ordinance.

SECTION IV. This Ordinance shall take effect at a time in a manner prescribed by law.

Introduced: September 20, 2007

Adopted:

Mayor

Attest: _____
Borough Clerk