

HARFORD COUNTY BILL NO. 24-036

Brief Title (Zoning Code Chapter 267 Roof Mounted Wind Turbines)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Mylia A. Dixon  
Council Administrator

Date 12/17/24

**ENROLLED**

John Vincent  
Council President

Date 12/17/24

**BY THE COUNCIL**

Read the third time.

Passed: LSD 24-033

Failed of Passage: \_\_\_\_\_

By Order

Mylia A. Dixon  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 18<sup>th</sup>  
Day of December, 2024, at 3:00 p.m.

Mylia A. Dixon  
Council Administrator



**BY THE EXECUTIVE**

[Signature]  
COUNTY EXECUTIVE

APPROVED: Date 1-2-2025

**BY THE COUNCIL**

This Bill No. 24-036 having been approved by the Executive and returned to the Council, becomes law on January 2, 2025.

EFFECTIVE DATE: March 3, 2025

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 24-036

Introduced by Council Member Bennett

Legislative Day No. 24-036

Date November 12, 2024

AN ACT to add a new definition of “roof mounted wind turbines” to Section 267-4, Definitions, of Article I, General Provisions, and to repeal and reenact, with amendments, Subsection C (9), Small wind energy systems, of Section 267-27, Accessory uses and structures, of Article V, Supplementary Regulations, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to allow roof mounted wind turbines to be mounted or attached to a building roof subject to certain regulations; and generally relating to zoning.

By the Council, November 12, 2024

Introduced, read first time, ordered posted and public hearing scheduled

on: December 10, 2024

at: 6:30 PM

By Order: *Mylin A. Dixon*, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 10, 2024, and concluded on December 10, 2024.

*Mylin A. Dixon*, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definition of “roof mounted wind turbines”, be, and it is hereby, added to Section 267-4, Definitions, of Article I, General Provisions; and that Subsection C (9), Small wind energy systems, of Section 267-27, Accessory uses and structures, of Article V, Supplementary Regulations, be, and it is hereby, repealed and reenacted, with amendments, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, and all to read as follows:

**Chapter 267. Zoning**

**Part 1. Standards**

**Article I. General Provisions**

**§ 267-4. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**ROOF MOUNTED WIND TURBINE** – A SMALL WIND ENERGY SYSTEM THAT HAS A RATED NAME PLATE CAPACITY OF 2.5 KILOWATTS OR LESS MOUNTED ON THE ROOF OF A BUILDING.

**Article V. Supplementary Regulations**

**§ 267-27. Accessory uses and structures.**

C. Use limitations. In addition to the other requirements of this Part 1, an accessory use or structure shall not be permitted unless it strictly complies with following:

- (9) Small wind energy systems. In order to properly integrate all regulating provisions affecting small wind energy systems, as defined in § 267-4, and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that small wind energy systems are subject to the regulations as forth herein. The purpose of this subsection is to oversee the permitting of small wind energy systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system. These provisions shall apply

to all small wind energy systems in Harford County.

(a) Standards. A small wind energy system shall be an accessory use in all zoning districts subject to the following requirements:

[1] Setbacks. A wind tower for a small wind energy system shall be set back a distance equal to its total height plus an additional 40 feet from:

[a] Any state or County right-of-way or the nearest edge of a state or County right-of-way, whichever is closer;

[b] Any duly recorded right-of-way, utility or stormwater management easement;

[c] Any overhead utility lines;

[d] All property lines; and

[e] Any existing guy wire, anchor, or small wind energy tower on the property.

[2] Access.

[a] All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

[b] The wind tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

[3] Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box and the grounding wires shall be located

underground.

[4] Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes and shall be reasonably shielded from abutting properties.

[5] Appearance, color and finish. The wind generator and wind tower shall remain painted or finished in the color grey.

[6] Signs. The only signage permitted on any small wind energy system shall be a single sign no larger than 6 square feet affixed to the equipment building or fence enclosure that states “Danger- High Voltage – Keep Off” and identifies the system owner and the telephone number for the person to contact in the event of an emergency.

[7] Code compliance. A small wind energy system, including wind tower, shall comply with all applicable construction and electrical codes.

[[8] Small wind energy systems shall not be attached to any building, including guy wires.]

[[9]] [8] MET Towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.

[[10]] [9] Total height shall be the vertical distance from ground level to the tip of the wind generator blade when the tip is at its highest point.

(b) Abandonment.

[1] Every 2 years the owner of a small wind energy system shall submit a letter to the Department stating that the system is in continuous use; and at least 60 calendar days before the letter is due, the Department shall notify the owner of the date by which the letter is due.

[2] A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Director may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reason for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of notice. The Director shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

[3] If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the system at the owner's sole expense within 3 months of the date of notice of abandonment. If the owner fails to remove the system, the Director may pursue a legal action to have the system removed at the owner's expense.

[4] The owner shall ensure removal of the system by posting an acceptable

monetary guarantee with the County on forms provided by the office of the Director. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director for the removal of the system, plus a 15% contingency.

(c) Public Service Commission. In accordance with Maryland Annotated Code, Public Utilities Companies, § 7-207.1, any property owner seeking to construct a small wind energy system shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit, if applicable.

(d) Variances. Variances to the setback requirements in this subsection are not permitted.

(e) Noise. All small wind energy systems shall comply with the state-regulated Noise Ordinance.

(f) Anemometers. If 8 pounds or less, the anemometers are exempt from the provisions of this Subsection C (9).

(g) Maximum number. One small wind energy system shall be allowed on each parcel up to 20 acres; an additional system shall be allowed on every 30 acres thereafter up to a maximum of 5 small wind energy systems per parcel.

(h) Rated nameplate capacity. A small wind energy system that has a rated nameplate capacity of 2.5 kilowatts or less shall comply only with Subsections C(9)(A)[1], 9(B)[1], (9)(B)[2] and (9)(B)[3].

(i) ROOF MOUNTED WIND TURBINES ARE PERMITTED TO BE

1 MOUNTED OR ATTACHED TO A BUILDING ROOF SUBJECT TO THE  
2 FOLLOWING REGULATIONS:

3 [1] ALL COMPONENTS OF THE ROOF MOUNTED WIND TURBINE  
4 SHALL MEET THE REQUIRED SETBACK FOR THE PRINCIPAL  
5 STRUCTURE ON WHICH IT IS LOCATED.

6 [2] THE ROOF MOUNTED WIND TURBINE SHALL ONLY BE  
7 PERMITTED ON SINGLE FAMILY DETACHED DWELLINGS  
8 AND COMMERCIAL BUILDINGS AND SHALL NOT BE  
9 PERMITTED ON ANY ACCESSORY STRUCTURE.

10 [3] THE HEIGHT SHALL NOT PROJECT MORE THAN 8 FEET  
11 FROM THE ROOF SURFACE. THE TOTAL HEIGHT IS THE  
12 VERTICAL DISTANCE FROM THE ROOF SURFACE TO THE  
13 TOP OF A WIND GENERATOR BLADE WHEN THE TIP IS AT  
14 ITS HIGHEST POINT.

15 [4] THE ROOF MOUNTED WIND TURBINE AND ITS MOUNTING  
16 STRUCTURE SHALL BE PAINTED OR FINISHED IN THE  
17 COLOR GREY.

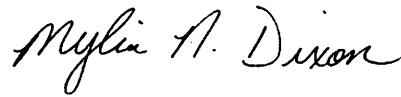
18 [5] ROOF MOUNTED WIND TURBINES SHALL NOT BE  
19 PERMITTED ON ANY HISTORIC LANDMARK LISTED ON THE  
20 HARFORD COUNTY HISTORIC LANDMARK LIST SET FORTH  
21 IN § 267-112, OR LISTED ON THE NATIONAL REGISTER OF  
22 HISTORIC PLACES.

23

- 1 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date  
2 it becomes law.

EFFECTIVE: March 3, 2025

*The Council Administrator does hereby certify that  
seven (7) copies of this Bill are immediately available for  
distribution to the public and the press.*

A handwritten signature in cursive script, reading "Mylin A. Dixon".

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Council Administrator