Int. No. 1317-A

By Council Members Constantinides, The Speaker (Council Member Johnson), Rosenthal, Vallone, Menchaca, Kallos, Rodriguez, Dromm, Lander, Maisel, Gibson, Rivera, King and Levin and Ulrich

A Local Law to amend the administrative code of the city of New York, and the New York city building code, in relation to large wind turbines

Be it enacted by the Council as follows:

Section 1. Section 232.1 of the administrative code of the city of New York, as added by local law number 105 for the year 2018, is amended to read as follows:

§24-232.1 [Small wind] Wind turbines. No person shall cause or permit operation of a small wind turbine, as such term are defined in section 3113.2 of the New York city building code, or a large wind turbine as such term is defined in section 3114.2 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 320 to read as follows:

ARTICLE 320

MAINTENANCE AND REMOVAL OF large WIND TURBINES

§ 28-320.1 Maintenance. The owner of a large wind turbine or large wind turbine tower, as such terms are defined in section 3114.2 of the New York city building code, shall maintain such turbine and tower in accordance with department rules.

§ 28-320.2 Removal. The owner of a large wind turbine, as such term is defined in section 3114.2 of the New York city building code, shall remove such turbine when (i) the time elapsed since the installation of such turbine 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 large wind turbines that do not have manufacturer's suggested useful lives.

§28-320.3 Locking before hurricane or strong wind conditions. If a hurricane or strong wind conditions are expected, the commissioner may order that large turbines equipped with passive locks be stopped and locked.

§28-320.4 Lighting. A large 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.

§ 3. Chapter 31 of the New York city building code is amended by adding a new section BC 3114 to read as follows:

SECTION BC 3114

large WIND TURBINES

3114.1 General. Large wind turbines shall be designed and constructed in accordance with this section.

3114.2 Definitions. The following words and terms shall for the purposes of this section have the meanings shown herein.

> **Large WIND TURBINE.** A turbine with a swept area greater than 200 m².

> **large WIND TURBINE TOWER.** A structure that supports a large wind turbine.

3114.3 Design standards. A large 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 large 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 European Wind Turbine Certification, the British Wind Energy Association, the International Electrotechnical Commission, the National Renewable Energy Laboratory, or the Underwriters Laboratory.

3114.4 Wind speed. A large 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 3114.3.

3114.5 Brakes and locks. Where necessary for public safety, the commissioner may require that a large wind turbine shall be equipped with a redundant braking system and a passive lock, including aerodynamic overspeed controls and mechanical brakes.

3114.6 Visual appearance. A large wind turbine shall be white, off-white, grey, or another non-obtrusive color specified by the commissioner.

3114.8 Access. Access to a large wind turbine shall be limited as follows:

1. Access to electrical components of a large wind turbine shall be prevented by a lock.

2. A large 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.

3114.9 Noise. A large wind turbine shall be designed to comply with the sound level limit of section 24-232.1 of the Administrative Code.

3114.10 Shadow flicker. The commissioner shall by rule establish shadow flicker limitations for large wind turbines for the purpose of limiting, to the extent practicable, such flicker on buildings adjacent to such turbines.

3114.11 Signal interference. The commissioner shall establish rules governing large wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines with radio, telephone, television, cellular or other similar signals.

3114.12 Setback. No part of a large wind turbine or large 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: A turbine or tower 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.