



## Legislation Text

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### Int. No. 350

By Council Members Gennaro, Brewer, Cabrera, Chin, Fidler, Garodnick, Gentile, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Rose, Williams, Rodriguez, Van Bramer, Crowley, Vallone, Gonzalez, Weprin, Dickens, Vann, Lappin, Koslowitz, Rivera, Greenfield, Halloran, Koo and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to adoption of standards and a protocol that accommodates the installation of wind energy turbines on buildings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that small-scale wind energy systems, defined as small wind turbines with swept areas of two hundred square meters or less and up to approximately sixty-five kilowatts of power capacity, are an important source of renewable electric power that can be especially suitable for the topographic and climate conditions of New York city. Systems of this size comprise a large portion of the home and small business wind market segments. However, the existing procedures for approval of these systems often render such installations impractical. For example, it is an established practice in the alternative and renewable energy industry to adopt product testing, approval and certification processes implemented by various other jurisdictions where such jurisdictions are appropriately reliable. Such approval processes deal with the product quality, safety and performance, and not with the adopting jurisdiction's policies for obtaining an appropriate building permit; a separate process required in addition to product approval.

The Council also finds that currently there are three established lists of approved small wind turbines from other jurisdictions active in approving wind turbine installations maintained by the American Wind Energy Association ("AWEA") for New York State and California and eligible for financial incentives by the California Energy Commission and the New York State energy research and development authority. The small

wind turbine industry also currently recognizes at least three sets of certification standards addressing small wind turbine performance and safety-- those of the International Electro-technical Commission, the British Wind Energy Association and the American Wind Energy Association "AWEA". Although the other standards mentioned are not American national standards, they have been issued by respected organizations and acknowledged worldwide as appropriate for small wind turbines. Certification pursuant to those national and international standards should be considered sufficient for turbine performance, reliability and safety without the need for approval by the Innovation Review Board.

The Council further finds that in order to remove existing deterrents to the approval and installation of small-scale wind energy systems in New York City and to foster such installations as expeditiously as possible without compromising their reliability and public safety, it is in the best interests of New York city residents to amend and improve the existing protocols for product testing and approvals set forth by the city's Department of Buildings.

§2. Section 28-113.2.2 of the administrative code of the city of New York is amended by lettering the existing section as subdivision a and by adding new subdivisions b and c to read as follows:

b. Wind turbine assemblies that have been certified for installation by the american wind energy association, the New York State energy research and development authority or the California energy commission and wind turbine assemblies that have been duly certified, according to the standards developed by the american wind energy association small wind turbine performance and safety standard, the small wind certification council, the british wind energy association small wind performance and safety standard, the international electro-technical commission standard IEC 61400-2 or any other national or international standard approved by the commissioner must be accepted by the buildings department and need not be independently tested nor approved by the Innovation Review Board in order to be authorized for installation by the department.

c. Commencing September 1, 2011 and every September 1 thereafter, the department shall report

to the Mayor and the Speaker of the Council respecting the development of new standards and certification procedures for wind turbine assemblies, including whether the use of any new standards or certification procedures were employed.

§3. This local law shall take effect ninety days after enactment, except that the commissioner of buildings in consultation with the director of the mayor's office of long-term planning and sustainability shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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SS 9/23/10 2:54 p.m.