NOTICE OF PENDING ORDINANCE 967

The following Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Boonton, in the County of Morris, New Jersey, held on November 09, 2026. It will be further considered for final passage after the public hearing thereon, at a regular meeting of said Township Committee to be held in the Municipal Building in said Township on December 14, 2026 at 7:00 o'clock PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinances will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Douglas Cabana, Municipal Clerk

Dated: November 09, 2026

ORDINANCE NO. 967

ORDINANCE TO AMEND ORDINANCE 953 OF THE TOWNSHIP OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING VARIOUS SECTIONS OF CHAPTER 102, LAND USE, OF THE TOWNSHIP CODE TO RESTABLISH AND REGULATE THE SAFE, EFFECTIVE AND EFFICIENT USE OF SOLAR PANELS AND SOLAR ARRAYS.

WHEREAS, the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1 et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Township of Boonton desires to amend Chapter 102, Land Use, of the Township Code to promote the safe, effective and efficient use of solar panels; and

WHEREAS, the Township Committee of the Township of Boonton has determined that it is necessary to establish requirements for the installation of solar panels and solar arrays and to address other issues related to alternative energy within the Township of Boonton; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Boonton, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 102, Land Use, Part 1, General Provisions, Article II, Definitions, Section 102-4, "Terms Defined," of the Township Code is hereby amended as follows [with additions shown underlined as thus and deletions shown with a strikethrough as ~~thus~~]:

SOLAR ENERGY SYSTEM a system which converts solar radiation, sunlight and/or solar energy to produce usable electric energy or other similar function, through the use of one or more

solar panel(s), plate(s), flat plate(s), focusing solar collectors, and/or photovoltaic solar cells. For purposes of this Chapter, a canopy, solar array thereof, the base or foundation of the panel, plate, canopy or array and all other component parts and associated equipment shall be considered as part of a solar energy system~~.~~, whether installed on the ground or on a roof. The term shall not include a "portable solar generation device" as defined in section 2 of P.L.2026, c.82, the placement and use of which is governed exclusively by State law.

COMMERCIAL SOLAR ENERGY SYSTEM (OR SOLAR FARM) a large-scale Solar Energy System that uses ground-mounted solar panels to convert sunlight into electricity and send it directly to the public power grid.

NET METERING a utility billing arrangement that credits renewable energy system owners (such as solar panel owners) 1-to-1 in kilowatt-hours (kWh) for any excess electricity their system sends back to the electric grid, pursuant to state regulations (N.J.A.C. 14:8-4.3).

SECTION 2. Subsection "F" "Alternative Energy Systems" within Section 102-144 Chapter 102, Land Use, Part 9, Zoning, Article XXVIII, General Provisions, Section 102-144, Accessory buildings and structures, is hereby repealed in its entirety and is amended and replaced with a new Subsection F, entitled "Solar Energy Systems," to read as follows:

§102-144

A. [NO CHANGE]

B. [NO CHANGE].

C. [NO CHANGE].

D. [NO CHANGE].

E. [NO CHANGE].

F. Solar Energy Systems. This Ordinance shall be construed to promote the safe, reasonable and affordable installation of solar energy systems consistent with the Township's commitment to clean energy and in harmony with applicable state law, including N.J.S.A. 40:55D-4 and P.L. 2025, c. 174, Where any provision of this Ordinance is ambiguous, it shall be interpreted in favor of solar access to the extent consistent with the protection of public health, safety, and the Township's rural character. Where any provision of this subsection or of §102-192.3 conflicts with State law, State law shall govern and control. All Solar Energy Systems shall meet the Net Metering requirements established by State law, including, but not limited to, the provisions of N.J.A.C. 14:8-4.3 and any successor regulation.

The purpose of this subsection is to establish requirements for the installation, location, siting, and use of solar energy systems, including any solar canopy and/or solar array, within the Township

of Boonton. The installation, location, siting, and use of solar energy systems and solar panels on private property within the Township shall be subject to the following conditions:

(1) Permit Required. No solar energy system and/or solar panel(s) shall be installed on property within the Township of Boonton without the property owner first applying for and securing a zoning permit issued by the Township Zoning Department. Approval of a zoning permit pursuant to this section is required prior to submission of a construction permit application. Construction permit applications for residential solar energy systems shall be processed through the State Smart Solar Permitting Platform pursuant to P.L. 2025, c.174.

a. Permit Fees. Every application for a zoning permit shall be accompanied by a $130 permit fee to reflect the cost of processing novel solar energy systems. Fees shall not be assessed as a percentage of system value or installation cost. Fees shall be revised as required by P.L. 2025, c.174.

b. State Smart Solar Permitting Platform. Pursuant to P.L. 2025, c.174 (C.52:27D-124.5 et seq.), the Township shall participate in the New Jersey State Smart Solar Permitting Platform, or adopt an equivalent alternative automated solar permitting platform, for residential rooftop construction permits by approximately December 2027. Nothing in this subsection shall be construed to limit or modify the zoning permit requirements established in this Ordinance, which remain separate from and in addition to the construction permitting process governed by P.L. 2025, c.174. If the State Smart Solar Permitting Platform is not available, the solar energy system shall be processed through the standard permitting process for Boonton Township.

(2) Plans.

a. For roof-mounted solar energy systems, plans shall include: a drawing depicting the property and structure; the proposed location, size, dimensions, and total number of panels to be installed; the proposed height of the panels above the roof surface; the distance of the system from all roof edges; and all electrical plans and designs.

b. For ground-mounted solar energy systems, plans shall include all items listed in §(2)(a) above, and additionally: the proposed location of the array on the lot; all applicable setback distances from property lines, the principal structure, and any street right-of-way; the proposed height of the system at maximum tilt; the proposed screening plan identifying the type, height, and location of plantings, fencing, or berm; the location, species, and diameter at breast height (DBH) of all trees six (6) inches DBH or greater proposed for removal, consistent with the Township Tree Protection and Removal Ordinance; and the extent of any proposed site disturbance, grading, or soil compaction. Additionally, details for the footings and any materials placed beneath the panels shall be provided.

(3) Design. All solar energy systems so installed shall conform to the approved plans for which a zoning permit has been issued. The design shall conform to all applicable industry standards, including the New Jersey Uniform Construction Code, Electric Subcode and the National Electric Code.

(4) Installation & Siting Requirements.

a. Roof-Mounted Solar Energy Systems. Roof-mounted solar energy systems shall be a permitted accessory use on any principal building or accessory building in all zoning districts, subject to the installation and siting requirements of this subsection. Solar energy systems installed to service a single-family residential dwelling shall be restricted to a size justified by historic energy use records. Historic energy use records may be considered in evaluating system size but shall not preclude reasonable sizing based upon anticipated future residential energy demand.

b. Ground-Mount Solar Energy Systems. Ground-mounted solar energy systems and solar arrays shall be a permitted conditional use in all zoning districts consistent with N.J.S.A. 40:55D-4, subject to strict compliance with the conditional use standards set forth at §102-192.3 of the Township Code.

c. Sloped Roof Systems. Roof-mounted solar panels on sloped roofs (pitch greater than two-in-twelve (2:12)) shall be mounted as close to parallel with the roof plane as practicable given the requirements of optimal solar exposure. Panels shall not project more than eighteen (18) inches above the roof surface at their highest point, provided the total structure height does not exceed the maximum permitted height for the principal structure in the applicable zone. No portion of any panel shall extend beyond the edge of the roof.

d. Flat or Low-Slope Roof Systems. A flat roof is defined as any roof with a pitch of two-in twelve (2:12) or less. Roof-mounted solar panels on flat roofs may be angled to achieve maximum sun exposure but shall not exceed 5 feet above the existing roof line. No such mounted solar panel shall exceed the maximum permitted height of the structure.

e. All roof-mounted solar panels shall be installed in a manner so that the edge(s) of any solar panel is/are no less than 3 feet from all roof edge(s).

f. In addition to the foregoing, solar energy systems shall comply with the following conditions:

(i) Glare. All solar panels and solar energy systems shall utilize anti-reflective coated panels wherever commercially available. For all permit applications, the installer shall provide written attestation that the panels comply with manufacturer anti-glare specifications. Upon receipt of a written complaint regarding glare from an installed solar energy system, the property owner shall obtain a written re-assessment from the installer within thirty (30) days of written notice from the Township, and the findings shall be submitted to the Zoning Officer for review and any appropriate enforcement action in accordance with §102-144F(6) of this Ordinance.

(5) Abandonment.

a. A solar energy system that is out of service for a continuous period of eighteen (18) months shall be deemed to have been abandoned.

b. The Zoning Officer may initiate abandonment proceedings upon their own observation of a non-operational system, consistent with the Township's enforcement authority under §102-207 of the Township Code, upon receipt of a written complaint from an adjoining property owner, or upon the failure of the property owner to respond to a routine Township inspection request. The Zoning Officer or designee may issue a notice of abandonment to the owner of record, sent by regular and certified mail, return receipt requested.

c. The property owner shall have thirty (30) days from receipt of the notice to respond with documentation demonstrating that the solar energy system has not been abandoned. If such documentation is provided and deemed acceptable to the Zoning Officer, the notice may be withdrawn.

d. Abandoned solar energy systems shall be removed at the owner's sole expense within six (6) months after receipt of the notice of abandonment. A demolition permit shall be obtained prior to removal. Upon removal, the site shall be cleaned, restored, and revegetated to its prior condition to the extent practicable.

e. If an abandoned solar energy system is not removed within six (6) months of receipt of the Township's notice, the Township may remove the system and place a lien upon the property for the cost of removal, in the same manner as set forth in the Township Code governing property maintenance.

(6) Violations and Penalties. Any person violating this ordinance shall be subject upon conviction to the penalties provided in §102-207, §102-208 and §1-15 of the Township Code.

SECTION 3. Chapter 102, Land Use, Part 9, Zoning, Article XXXII, Conditional Uses is hereby amended to add a new subsection 102-192.3 "Ground-Mounted Solar Energy Systems" as follows:

§102-192.3 Ground-Mount Solar Energy Systems. Ground-Mounted Solar Energy Systems shall be permitted as an accessory use to a permitted principal use in all zoning districts subject to the following conditions, except that where any provision of this section conflicts with applicable State law, State law shall govern and control:

A. Siting. Ground-mounted solar energy systems shall not be located in the front yard of any lot on which a principal structure exists and must be set back 25 feet from rear and side property lines. On corner lots, accessory structure setback requirements for side streets shall apply as set forth in Chapter 102, §102-144 of the Township Code.

B. Height. Ground-mounted solar energy systems shall not exceed ten (10) feet in height at the highest point measured from the average existing grade at the proposed location prior to installation of the solar array, including the highest point of any tilted or tracking panel.

C. Size. The total area of ground-mounted solar energy systems on a lot, including the aggregate area of multiple systems, shall not exceed a ratio of one (1) to five (5) of the total lot area. Solar energy systems installed to service a single-family residential dwelling shall be restricted to a size justified by historic energy use records. Historic energy use records may be considered in evaluating system size but shall not preclude reasonable sizing based upon

anticipated future residential energy demand, including but not limited to electric vehicle charging and building electrification. Commercial Solar Energy Systems are not a permitted use or conditional use.

D. Impervious Coverage. Ground-mounted solar panels and their support footings shall not be included in any calculation of maximum impervious coverage or lot coverage, unless the area beneath the panels (excluding footings) consists of an impervious material such as pavement or concrete, consistent with N.J.S.A. 40:55D-38.1. All ground-mounted systems shall comply with applicable Township, county, and state stormwater, grading, and soil disturbance rules and regulations.

E. Site Disturbance and Tree Protection. Site disturbance, including but not limited to grading, soil removal, excavation, and soil compaction, shall be minimized to the extent practical. All applications shall comply with the Township Tree Protection and Removal Ordinance. The removal of trees six (6) inches or greater in diameter at breast height (DBH) shall require documentation and review pursuant to the Township Tree Protection and Removal Ordinance.

F. Screening. Ground-mounted solar energy systems in direct sight of neighboring occupied properties shall be screened by evergreen plantings, fencing, earthen berm, or a combination thereof, along any property line shared with a neighboring residential use or public right-of-way. The minimum height of screening shall equal the height of the panels. Existing vegetation shall be retained to the maximum extent practical. Screening shall not compromise the solar energy production of the system. All fencing used for screening shall also be in accordance with §102-47 of the Township Code.

SECTION 4. All Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5. If any section, subsection, sentence, portion, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court or any federal or state agency of competent jurisdiction, such section, subsection, sentence, portion, clause or phrase shall be deemed a separate, distinct and independent provisions and such holding or decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF BOONTON,
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

_____ By: _____

Douglas Cabana, Municipal Clerk
Township of Boonton

William Klingener, Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of the Township of Boonton at its meeting held on _____, 2026

_____
Douglas Cabana, Municipal Clerk
Township of Boonton