

**VILLAGE OF FOOTVILLE
ORDINANCE NO. 2022-11**

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 370 OF THE VILLAGE OF FOOTVILLE MUNICIPAL CODE CREATING REGULATIONS FOR SOLAR ENERGY SYSTEMS.

THE VILLAGE BOARD OF THE VILLAGE OF FOOTVILLE, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. Chapter 370, Section 25, of the Village of Footville Municipal Code regarding definitions is hereby created to regulate Solar Energy Systems in the Village, shall be titled, "Solar Energy Systems" and shall read in its entirety as follows:

"370-25 SOLAR ENERGY SYSTEMS

- A. Title. This section may be referred to as the "Village of Footville Solar Energy System Ordinance."
- B. Authority. This section is adopted pursuant to authority granted by Wis. Stats. §§ 61.35, 62.23, 66.0401, and 66.0403.
- C. Purpose and Intent. This section is adopted for the purpose of protecting the health, safety, and general welfare of the Village of Footville by (1) Regulating the use of solar energy systems; (2) Protecting access to sunlight for solar energy systems; and (3) Preserving and protecting the public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system. This section is adopted with the intent of creating a process for obtaining necessary permits for a solar energy system while protecting the interests of Village residents and businesses.
- D. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the same meaning as they have at common law.

SOLAR ENERGY SYSTEM: Equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. A solar energy system is either solar for individual users or a solar farm as defined in this section. A solar energy system includes, but may not be limited to, solar collectors,

frames, supports and any mounting hardware, battery storage equipment, convertors, or invertors.

SOLAR FARM: A solar energy system that generates enough electricity to serve many customers by wholesale or retail sale and not primarily for consumption on the property on which the system is located. The solar collectors are ground mounted on open land near an existing substation or electric transmission infrastructure.

SOLAR ENERGY SYSTEM FOR INDIVIDUAL USERS: Solar energy system that generates electricity for the individual property owner, with either building-mounted or ground-mounted solar collectors, as opposed to a solar farm which generates enough electricity to serve many off-site customers.

SOLAR COLLECTOR: A device that absorbs solar energy for use in the collector's energy transformation process.

- E. Solar Energy System Permits Required. No person shall construct, repair, replace, install, enlarge, or alter any solar energy system, as defined by this section, unless valid permits for said system have first been issued by the appropriate Village officials and Boards, and said permits have neither expired nor been suspended or revoked. If work has commenced or is completed without proper permits, the Village may take the appropriate action to prosecute the violation of this Chapter. All solar energy systems shall, at a minimum, be required to obtain a building permit and conditional use permit. Other permits may be required based on other specific plans for the solar energy system and consistent with the Village's municipal code.
- F. Conditional Use Permits for Solar Energy Systems.
- (1) Conditional Uses. All solar energy systems shall be considered conditional uses in all zoning districts within the Village. As such, all solar energy systems installed after the effective date of this Ordinance, shall require a conditional use permit. In the event of a conflict of this section and section §370-15, this section shall control.
- (2) Solar Energy System Conditional Use Permit Application Requirements. All applications for a conditional use permit for a solar energy system shall contain a scaled map/plot plan which includes the following:
- a. Property lines and physical dimensions of the property;

- b. Location, dimensions, and types of existing major structures on the property;
 - c. Location of the proposed solar energy system, specifically identifying all solar collectors, substations or electric transmission infrastructure, or other additions to the property to support the solar energy system;
 - d. The right-of-way with any public road that is contiguous with the property;
 - e. Solar Energy System specifications, including manufacturer and model, dimensions of all solar collectors, substations or electric transmission infrastructure, or other additions to the property;
 - f. Blueprints or professional drawings for all additions to the property.
- (3) Fees. The solar energy system conditional use permit application must be accompanied by the fee required for all conditional use permits within the Village.
- (4) Expiration. A conditional use permit issued for a solar energy system shall expire if:
- a. The solar energy system is not installed or functioning within 24 months from the date the permit is issued; or
 - b. The solar energy system is out of service or otherwise unused for a continuous twelve-month period.

G. Standards for a Solar Energy Systems.

(1) Building-mounted solar energy systems:

- a. Shall not extend beyond the exterior perimeter of the building roof or wall;
- b. Any ground-mounted battery storage, converter, or inverter shall be located inside a building, or may be located in the side or rear yards of the building, with proper screening, of approval is given by the zoning administrator;
- c. The Village is not responsible to remove or force the removal of any structures or vegetation on adjacent properties that may exist at the time of installation or may be constructed or installed in the future to block any portion of the solar energy system. Owners of solar energy systems may apply for a solar access permit as described below.

(2) Ground-mounted solar energy systems:

- a. Shall not have a height of greater than 10 feet when oriented at maximum tilt. The grades that surround the solar energy system shall

- not be artificially elevated to bring in fill as to elevate the system higher than the existing grades on the property;
- b. Shall not be located in the front or side yards of the property;
 - c. Minimum setback requirements as measured from the furthest extent of the solar collector at full tilt parallel to the ground shall be:
 - i. Side and rear: 25 feet;
 - ii. Rear street: 50 feet;
 - iii. Wetland: 25 feet;
 - iv. Principal Structure: 10 feet;
 - d. Shall not be located within the 100-year floodplain;
 - e. Landscaping or screening shall be required to screen the system and must be approved by the Zoning Administrator on a case-by-case basis;
 - f. All electrical wires associated with the solar energy system, other than wires necessary to connect the system, grounding wires, etc., shall be located underground;
 - g. Shall be properly installed and secured to the ground pursuant to the manufacturer's requirements;
 - h. Land under and surrounding the system shall be properly manicured and maintained;
 - i. Any ground-mounted battery storage, converter, or inverter shall be located inside a building, or may be located in the side or rear yards of the building, with proper screening, of approval is given by the zoning administrator;
 - j. The Village is not responsible to remove or force the removal of any structures or vegetation on adjacent properties that may exist at the time of installation or may be constructed or installed in the future to block any portion of the solar energy system.

H. Additional Standards for a Solar Energy Farms.

- (1) All solar energy farms shall obtain a conditional use permit. In addition to the requirements set forth above, all solar energy farms must submit the following with their conditional use permit application:
- a. The anticipated usable life of the solar energy farm, consistent with the manufacturer's recommendations and guidance;
 - b. A description of the duration of the lease or agreement entered into with the property owner or solar energy company installing the solar energy farm;

- c. A road/street usage plan detailing what Village roads and streets will be used during the initial construction of the solar energy farm, and further detailing ongoing street usage during the solar energy farm's usable life;
 - d. A reclamation plan to describe, in detail, removal of the solar energy farm from the property at the end of the solar energy farm's usable life;
 - e. A performance or surety bond equal to a written estimate to repair all Village streets used or damaged during the construction of the solar energy farm; and
 - f. A performance or surety bond equal to a written estimate to remove the solar energy farm when the system is no longer in operation. The Village shall be named as obligee in the bond and the Village must approve the bonding company and bond format.
- (2) Solar energy farms shall be assessed to the extent permitted by law.
 - (3) Solar energy farms shall be required to pay, as applicable, the public utility distribution, license fee, state taxation fees, and other monetary obligations to the Village as and to the extent required by law.
 - (4) The Zoning Administrator shall be notified, in writing, within at least 60 days of any ownership transfers or sales of any solar energy farm.

I. Abandonment and Removal.

- (1) Abandonment. When a solar energy system is no longer in operation or producing energy, the owner shall notify the Zoning Administrator in writing. Any solar energy system that has not operated for a continuous period of 12 months shall be considered abandoned. If notice is not provided to the Zoning Administrator, the Zoning Administrator may issue of a notice of abandonment to the owner of the solar energy system that it has been deemed by the Zoning Administrator the solar energy system has been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days after receipt of notice. The Zoning Administrator may withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.
- (2) Removal. If the solar energy system is determined to be abandoned, the owner of the system shall remove the solar collectors and all other equipment related to the solar energy system, at the owner's sole expense within three months of the receipt of the notice of abandonment. If the owner fails to remove the solar energy system, the Zoning Administrator, on behalf of the Village, may pursue

legal action to have the solar energy system removed at the owner's expense and restore the building or property as necessary.

- J. Limitations Upon Authority. The Village review and action as described in this section is subject to the limitations imposed by Wis. Stats. 66.0401. In the event an applicant or owner believes the Village has exceeded its authority in this regard, the applicant or owner shall notify the Village and the Village may reconsider the matter. In that event, the Village may modify the requirements of this section on a case-by-case basis if, and only to the extent, such modification is necessary to ensure that applicable laws are followed."

SECTION 2. This Ordinance shall take effect upon passage and posting as required by law.

DATE: 9-1-2022



Gary Selck, Village President

CERTIFICATION

I hereby certify that the above Ordinance number 2022-11 was adopted by the Village Board of the Village of Footville on the 1st day of September, 2022, and that on the 1st day of September, 2022, a copy of the above Ordinance was posted in three places in the Village as follows:

- 261 North Gilbert Street, Footville, WI 53537
- 212 Depot Street, Footville, WI 53537
- 509 South Gilbert Street, Footville, WI 53537



Shawna March
Shawna March, Village Clerk,
Village of Footville
Rock County, Wisconsin

Subscribed and sworn to before me this
1st day of September 2022.
Kate L. Corbit
Notary Public, Rock County, Wisconsin
My Commission expires: March 29, 2024